

County of Albany

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



Meeting Agenda

Wednesday, May 26, 2021

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. 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
3. 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
4. REQUESTING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO MAINTAIN PORTIONS OF MOHAWK-HUDSON BIKE-HIKE TRAIL
5. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)
6. 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
7. A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)

CURRENT BUSINESS:

8. AMENDING RESOLUTION NO. 470 FOR 2019 REGARDING THE AID TO DEFENSE PROGRAM

9. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING REIMBURSEMENT FOR RAISE THE AGE IMPLEMENTATION
10. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE REGARDING THE SA COVID-19 RECOVERY FUND AND AMENDING THE 2021 CRIME VICTIM AND SEXUAL VIOLENCE CENTER BUDGET
11. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE SECOND UPSTATE MODEL FAMILY REPRESENTATION OFFICE GRANT
12. AUTHORIZING THE SETTLEMENT OF A LAWSUIT

County of Albany

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



Meeting Minutes

Wednesday, April 28, 2021

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

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

Excused: Legislator Joanne Cunningham

1. APPROVING PREVIOUS MEETING MINUTES

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

CURRENT BUSINESS:**2. 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

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

This Local Law was tabled at the request of the Sponsor

4. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE STATEWIDE EXPANSION OF THE HURRELL-HARRING SETTLEMENT

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

5. AUTHORIZING AN AGREEMENT REGARDING EXCESS INSURANCE AND AMENDING THE 2021 ALBANY COUNTY BUDGET

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 THE GUN INVOLVED VIOLENCE ELIMINATION GRANT

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

7. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE REGARDING THE ENOUGH IS ENOUGH GRANT PROGRAM

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

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, Mss. Cunningham, Plotsky, Messrs. Miller, Cleary and Reinhardt:

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

Favorable Recommendation Law Committee – 3/24/21

No Recommendation Economic Development Committee – 3/24/21

Referred to Law Committee – 4/12/21



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 dark 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.

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, the 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.

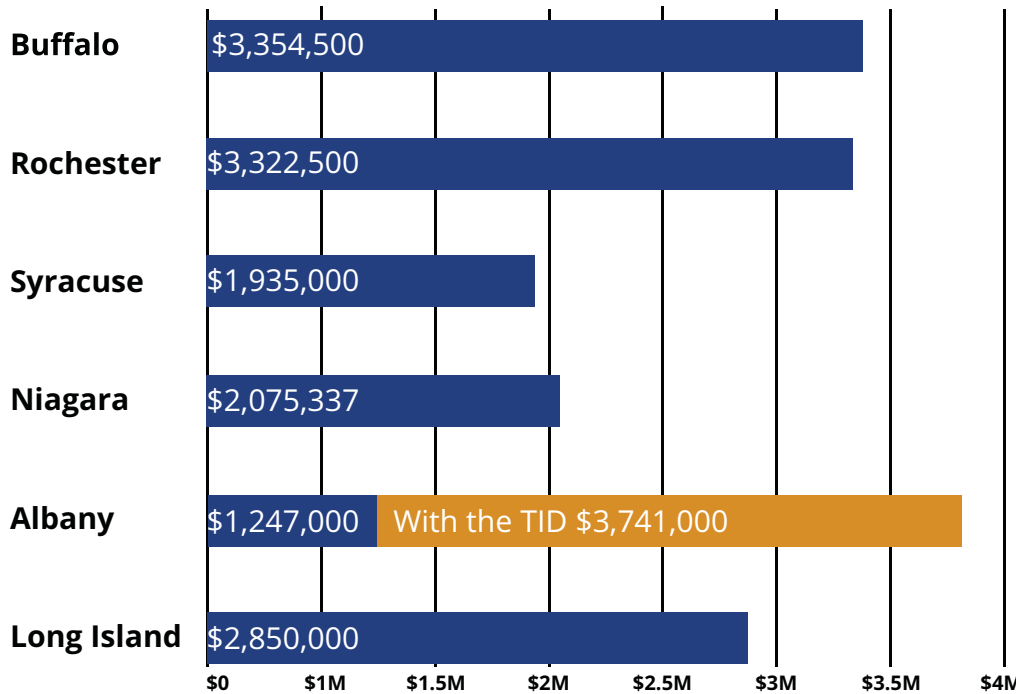
Albany County

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

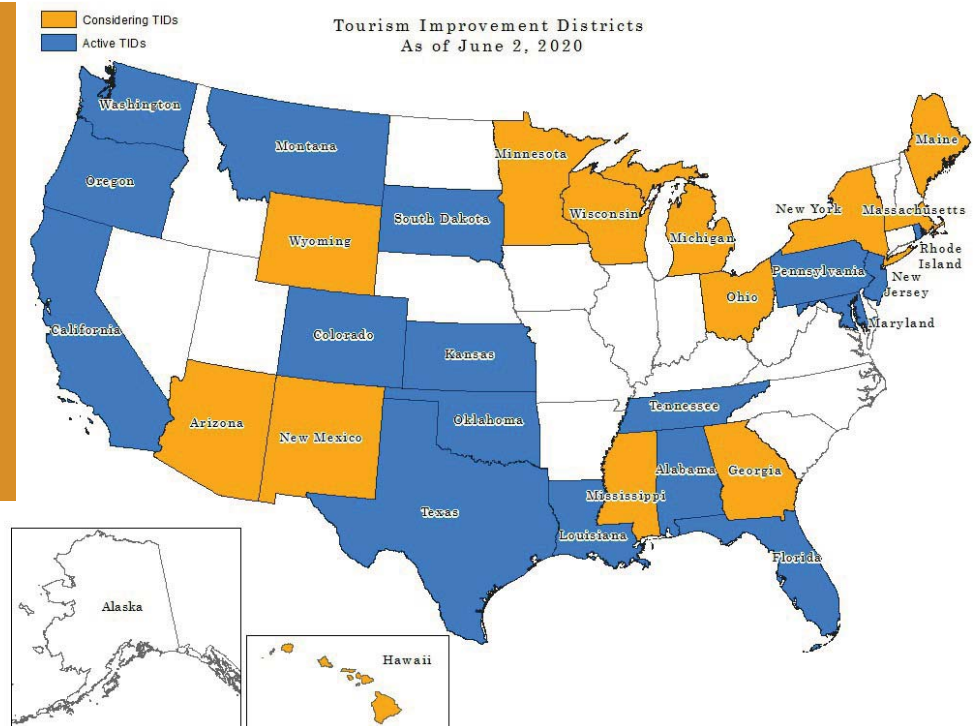
With the lack of marketing funds and focus, we have lost these events totaling over 22,000 room nights and \$17 million in economic impact to Albany County and local hotels. These hotels rely on consistent and creative marketing to:

- 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. “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, Tunny, Whalen, A. Joyce, Plotsky, Ricard, Peter, Lekakis, McLean Lane, Miller

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 60 days after [upon] filing with the New York Secretary of State.

Referred to Law Committee – 2/8/21

RESOLUTION NO. 168

REQUESTING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO MAINTAIN PORTIONS OF MOHAWK-HUDSON BIKE-HIKE TRAIL

Introduced: 5/10/21

By Messrs. O'Brien, Mayo, Bruschi, Ms. Cunningham, Messrs. Ricard, A. Joyce, Beston, Cleary, Domalewicz, Ethier, Mss. Lekakis and Plotsky:

WHEREAS, the New York State Department of Transportation (NYSDOT) and Federal Highway Administration authorized the development of the land between I-787 and the Hudson River from Colonie Street in the City of Albany to the Hudson Shores Park in the City of Watervliet for recreational use and as a bikeway section of the Mohawk Hudson Greenway, thereafter designated the Mohawk-Hudson Bike-Hike Trail, and;

WHEREAS, the County of Albany and the NYSDOT thereafter entered into an agreement wherein the County would maintain the bike path, including the landscape adjacent to the asphalt path, in this section, an agreement which has since expired, and;

WHEREAS, the NYSDOT has been responsible for the maintenance of the bikeway and landscape adjacent to the asphalt path along this section of the Mohawk Hudson Bike-Hike Trail since the expiration of the prior agreement, and

WHEREAS, the bikeway has apparently fallen into disrepair and the citizens of Albany County, as well as the surrounding communities, would benefit from the recreational use of the public lands, and

WHEREAS, it would be in the interest of the general public for certain portions of the Mohawk-Hudson Bike-Hike Trail between the City of Albany at Colonie Street to the Hudson Shores Park in Watervliet to be maintained by the County of Albany, and

WHEREAS, any agreement entered into shall direct that all highway and highway related maintenance for I-787 remains the responsibility of the NYSDOT, including but not limited to the structural integrity of right-of-way fencing and highway related feature, and

WHEREAS, any agreement entered into shall direct that the asphalt surface shall remain the obligation of the NYSDOT, now, therefore, be it

RESOLVED, the County Executive is requested to enter into an agreement with the New York State Department of Transportation to allow the County of Albany maintain portions of the Mohawk-Hudson Bike-Hike Trail, on the public lands between I-787 and the Hudson River, from the northerly boundary of the City of Albany to and including the northerly terminus known as the Fourth Street parking area in the City of Watervliet, and, be it further

RESOLVED, that pursuant to any agreement, the County shall maintain the areas adjacent to the asphalt bikeway shared-use path, but not the asphalt surface itself, including pavement markings, bollards, signage, lighting, trash receptacles, benches, tables, animal carcass removal, grass and woody areas including mowing, trimming and the removal of felled trees and limbs, etc. in the area bounded by ROW fencing along I-787 to the top of the slope at the river's edge; and be it further

RESOLVED, that pursuant to any agreement, the County may acquire and maintain portable restroom facilities along the Mohawk-Hudson Bike-Hike Trail between the cities of Albany and Watervliet; and be it further

RESOLVED, that the County should endeavor to seek out any potential grant funding available to it from the state or federal governments for the purposes of further enhancing the great asset that is the Mohawk-Hudson Bike-Hike Trail; 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.

Referred to Law Committee – 5/10/21

RESOLUTION NO. 169

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)

Introduced: 5/10/21
By Mr. Domalewicz:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “F” for 2021, “A Local Law of the County of Albany, New York, Amending Local Law No. 1 for 2001, as Amended, to Provide that Pesticide Application Signs Made Available at the Point of Sale be Available in Multiple Languages as Required by Environmental Conservation Law Section 33-1005(1)” be held by the County Legislature remotely, with information available on the County website, at 7:15 p.m. on Tuesday, June 29, 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 Conservation, Sustainability and Green Initiatives and Law Committees – 5/10/21

RESOLUTION NO. 170

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: 5/10/21

By Grimm, Mauriello, Lockart, Perlee, Burgdorf, Drake, 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, June 29, 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.

Referred to Law Committee – 5/10/21

LOCAL LAW NO. "F"

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)

Introduced: 5/10/21

By Messrs. Domalewicz and A. Joyce:

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

SECTION 1.

Section 3(c)(i) of Local Law 1 for 2001 is amended to read as follows:

c.(i) All persons, including, but not limited to, commercial entities and property owners, performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. Such markers shall be in both the English and Spanish languages, and any other languages as the Commissioner of the New York State Department of Environmental Conservation deems it necessary pursuant to rules and regulations.

SECTION 2.

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

Referred to Conservation, Sustainability and Green Initiatives and Law Committees – 5/10/21

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

7

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 04 2001

County

~~City~~

of ALBANY

~~Town~~

~~Village~~

Local Law No. 5 of the year 2001.

MISCELLANEOUS
& STATE RECORDS

A local law OF THE COUNTY OF ALBANY, NEW YORK ADOPTING COUNTY-WIDE
(Insert Title)

NOTIFICATION REQUIREMENTS FOR COMMERCIAL AND
RESIDENTIAL LAWN PESTICIDE APPLICATIONS

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~

of ALBANY

~~Town~~

~~Village~~

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 5 FOR 2001

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING
COUNTYWIDE NOTIFICATION REQUIREMENTS FOR COMMERCIAL
AND RESIDENTIAL LAWN PESTICIDE APPLICATIONS**

Introduced: 10/9/01

By Messrs. Richardson, Reilly, Mss. Wiley, McKnight, Messrs. Maikels,
Monjeau, Messercola, Ms. Willingham and Mr. Domalewicz:

BE IT ENACTED AS FOLLOWS:

SECTION 1: Legislative Intent.

This Legislature finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property. This Legislature further finds and declares that pesticides may pose serious health and safety risks to people, particularly children, pregnant women, the elderly and infirm, and that citizens have the right to know about pesticides to which they may be exposed from applications to neighboring properties so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife and property.

Recognizing the increasing public awareness and concern about pesticide exposure hazards, the State Legislature recently amended the New York Environmental Conservation Law to allow counties to adopt certain advance notification requirements for commercial and residential lawn pesticide applications. This Legislature declares that the people of Albany County deserve the greatest protection allowable by law. Therefore, this Legislature hereby adopts the special requirements for commercial and residential lawn applications as set forth in Section 33-1004 of the New York Environmental Conservation Law.

SECTION 2: Definitions.

All terms used herein shall be as defined in Section 33-0101 of the Environmental Conservation Law as amended.

SECTION 3: Special Requirements for Commercial and Residential Lawn Applications.

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner of Environmental Conservation pursuant to subdivision 1 of Section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. (i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision 3 of Section 33-1005 of the Environmental Conservation Law, to occupants of all dwellings, as defined in paragraph d of subdivision 5 of Section 33-0905 of the Environmental Conservation Law, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision 5 of Section 33-0905 of the Environmental Conservation Law, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the State Commissioner of Environmental Conservation.

(ii) The prior notification provisions of this paragraph shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

F. the use of boric acid and disodium octaborate tetrahydrate;

G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;

I. the application of a pesticide by direct injection into a plant or the ground;

J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;

K. the application of a pesticide to the ground or turf of any cemetery; and

L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this local law. Upon making an emergency application, the person making such application shall notify the State Commissioner of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. (i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(ii) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

SECTION 4: Enforcement.

The County Department of Health and the New York State Department of Environmental Conservation shall have concurrent authority to enforce this law pursuant to subdivision 2 of Section 33-1004 of the Environmental Conservation Law. All sanctions, which shall be assessed after providing a hearing and an opportunity to be heard, shall be as specified in Section 71-2907 of the Environmental Conservation Law.

SECTION 5: 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 6: Effective Date.

This local law shall take effect January 1, 2002.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 5 _____ of 20⁰¹ of the (County)(City)(Town)(Village) of ALBANY was duly passed by the LEGISLATURE on 1.1/1.3/01. ~~20~~, and was (approved)(not approved)(repassed after disapproval) by the COUNTY EXECUTIVE and was deemed duly adopted on 1.2/3 20.01, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted *(Elective Chief Executive Officer*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

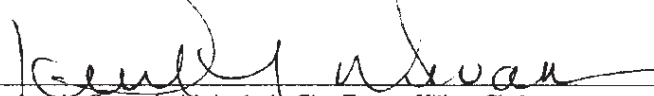
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 2____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

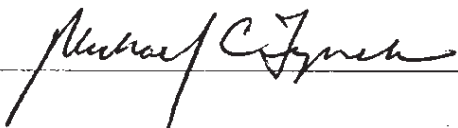
(Seal)

Date: December 3, 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
COUNTY ATTORNEY

Title

County _____
~~City~~ of ALBANY
~~Town~~ _____
~~Village~~ _____

Date: December 3, 2001

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of ALBANY

FILED
STATE RECORDS

OCT 26 2017

DEPARTMENT OF STATE

Local Law No. 9 of the year 2017

A local law Amending Local Law No. 1 for 2001 Entitled "A Local Law of the County of Albany, NY
(Insert Title)
Adopting Countywide Notification Requirments for Commercial & Residential Lawn Pesti-
cide Applications" to Provide that the Signs Giving Notice of Pesticide Applications required
by Environmental Conservation Law Section 33-1005(1) made available at the point of sale

Be it enacted by the ALBANY COUNTY LEGISLATURE of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of ALBANY

as follows:

PLEASE SEE ATTACHED PAGE 1

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 20¹⁷ of the (County)(City)(Town)(Village) of ALBANY was duly passed by the ALBANY COUNTY LEGISLATURE on NOVEMBER 14 20¹⁶, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the COUNTY EXECUTIVE and was deemed duly adopted on DECEMBER 14 20¹⁶, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means, or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

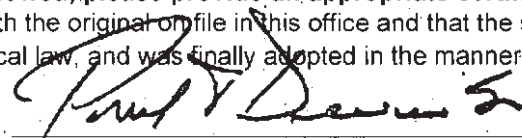
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

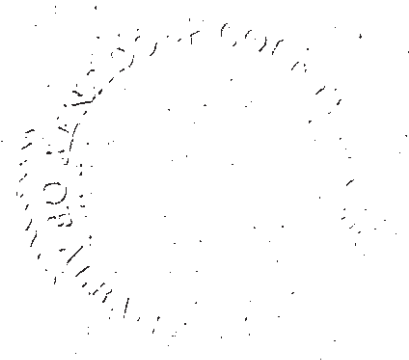
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/19/17

(Seal)



LOCAL LAW NO. 9 FOR 2017

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001 ENTITLED "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING COUNTYWIDE NOTIFICATION REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL LAWN PESTICIDE APPLICATIONS" TO PROVIDE THAT THE SIGNS GIVING NOTICE OF PESTICIDE APPLICATIONS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1) MADE AVAILABLE AT THE POINT OF SALE

Introduced: 07/11/16

By Messrs. Domalewicz, Beston, Bullock, Ms. Chapman, Messrs. Clenahan, Comisso, Ms. Cunningham, Messrs. Ethier, Fein, Ms. Lekakis, Mr. Mackey, Ms. McKnight, Messrs. Signoracci, Simpson, Touchette, Ms. Willingham, Messrs. Feehey, Reinhardt, Clay, Crouse, Dawson, Drake, Higgins, Hogan, A. Joyce, Ms. Lockart, Mr. Mauriello, Ms. McLean Lane, Messrs. Mendick, Miller, Stevens and Tunny:

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

SECTION 1.

Section 3(a) of Local Law 1 for 2001 is amended to read as follows:

a. All retail establishments that sell general use pesticides for commercial and residential lawn application shall display a sign meeting standards established by the Commissioner of Environmental Conservation pursuant to subdivision 1 of Section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed. The signs by required by Section 3 giving notice of such pesticide application shall be made available at the point of sale to the purchasers of general use pesticides at the retail establishments which sell such general use pesticides for commercial and residential lawn application and shall be placed as close as possible to the place where such pesticides are displayed for sale.

SECTION 2.

Section 3(c)(i) of Local Law 1 for 2001 is amended to read as follows:

c.(i) All persons, including, but not limited to, commercial entities and property owners, performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

SECTION 3.

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

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, 2016, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 15th day of November, 2016.

A handwritten signature in cursive script, appearing to read "Paul V. Deane", is written over a horizontal line.

Clerk, Albany County Legislature

Showing differences between versions effective February 9, 2011 to December 21, 2020 and December 22, 2020 [current]

Key: ~~deleted text~~ **added text**

1 deletion · 3 additions

McKinney's ECL § 33-1004

§ 33-1004. Lawn applications; certain municipalities

1. Notwithstanding any other provision of law to the contrary, any county not contained entirely within a city, and any city with a population of one million or more, may, after public hearing, adopt a local law comprised of the following provisions in their entirety and without exception including all applicable definitions as provided in this article:

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the commissioner pursuant to subdivision one of section 33-1005 of this article, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. (i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of this article to:

A. occupants of all dwellings, as defined in paragraph d of subdivision five of section 33-0905 of this article, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision five of section 33-0905 of this article, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the commissioner; and

B. owners, owners' agents or other persons in positions of authority for multiple family dwellings, the property of which is the site of such application. Owners, or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings in a manner specified by the commissioner.

(ii) The prior notification provisions of this paragraph shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by FIFRA in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

- F. the use of boric acid and disodium octaborate tetrahydrate;
- G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
- H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
- I. the application of a pesticide by direct injection into a plant or the ground;
- J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
- K. the application of a pesticide to the ground or turf of any cemetery; and
- L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the commissioner of health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.
- c. (i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. ~~Such markers~~ **Markers** shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. **Such markers shall be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations.**
- (ii) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.
2. Any county not contained entirely within a city or any city with a population of one million or more that adopts a local law pursuant to the provisions of this section, shall, in addition to any authority otherwise conferred in this chapter, have concurrent authority to enforce such local law administratively, provided however that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in section 71-2907 of this chapter and shall be payable to and deposited with the enforcing municipality.
- 2-a. Within twenty days after the adoption of a local law pursuant to this section, the clerk or other officer designated by the legislative body shall forward one certified copy thereof to the commissioner and one to the attorney general.
- 2-b. Any local law adopted pursuant to this section shall take effect on the first day of January after it shall have been adopted.
3. The commissioner of health shall review any emergency form submitted pursuant to this section to ensure that the circumstance did warrant such emergency application. Such forms shall be kept on file at the department of health for three years from the date of application and shall be made available to any person upon request.

Credits

(Added L.2000, c. 285, § 3, eff. March 1, 2001. Amended L.2010, c. 324, § 1, eff. Feb. 9, 2011 ; **L.2020, c. 145, § 1, eff. Dec. 22, 2020** .)

McKinney's E. C. L. § 33-1004, NY ENVIR CONSER § 33-1004

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

Showing differences between versions effective February 9, 2011 to December 21, 2020 and December 22, 2020 [current]

Key: ~~deleted text~~ **added text**

0 deletions · 4 additions

McKinney's ECL § 33-1005

§ 33-1005. Commissioner's regulations

<[As added by L.2000, c. 285. Another Environmental Conservation Law § 33-1005 was added by another act.]>

For purposes of implementing section 33-1004 of this article in any county not contained entirely within a city or any city with a population of one million or more that has adopted a local law pursuant to such section:

1. The commissioner shall promulgate rules and regulations establishing uniform standards for a consumer pesticide use information sign which shall be placed in retail establishments that sell general use pesticides for commercial or residential lawn application. This sign shall **be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations, and shall** contain the following information:

a. a warning notice directing consumers to follow directions on labels;

b. a provision to inform the customer of the posting requirements set forth in paragraph c of subdivision one of section 33-1004 of this article; and

c. a recommendation that the customer notify neighbors prior to the application of pesticides so that such neighbors may take precautions to avoid pesticide exposure.

2. The commissioner shall prepare and publish, in consultation with the commissioner of health, educational materials, **in both the English and Spanish languages and any other languages if the commissioner deems it necessary,** explaining the requirements of paragraphs b and c of subdivision one of section 33-1004 of this article and section three hundred ninety-c of the social services law and the human and environmental health effects of lawn care pesticides.

3. a. The commissioner shall promulgate rules and regulations specifying the following: the content and form of the written notice required in paragraph b of subdivision one of section 33-1004 of this article, with the content consisting minimally of the following:

(i) the address of the premises where application is to be done;

(ii) the name and telephone number and pesticide business registration number or certified applicator number of the person providing the application;

(iii) the specific date of each pesticide application and two alternative dates to the proposed date of application when, due to weather conditions, the pesticide application on the proposed date is precluded;

(iv) the product name or names and the United States Environmental Protection Agency registration number or numbers of the pesticide or pesticides to be applied;

(v) a prominent statement that reads: "This notice is to inform you of a pending pesticide application to: 1. a neighboring property; or 2. this premise. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticides Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info line at 1-800-458-1158".

b. The commissioner shall review and revise as necessary the phone numbers required to appear in notices pursuant to this section and pursuant to section four hundred nine-h of the education law and section three hundred ninety-c of the social services law. Notwithstanding the provisions of the state administrative procedure act, such phone numbers shall be established as a rule by publication in the environmental notice bulletin.

c. The written notice required by paragraph b of subdivision one of section 33-1004 of this article shall be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations.

4. The commissioner shall promulgate rules and regulations specifying: the manner in which persons providing commercial lawn application shall supply written notice as required under paragraph b of subdivision one of section 33-1004 of this article including, but not limited to, mailing, or leaving with a responsible adult or in a conspicuous location on the premises or abutting property; the manner in which the owner or owner's agent of multiple family dwellings covered under paragraph b of subdivision one of section 33-1004 of this article shall supply such written notice to the occupants of such multiple family dwellings; and for all other premises covered under paragraph b of subdivision one of section 33-1004 of this article, the manner in which the owner, owner's agent or other person in a position of authority shall supply such written notice. Such rules and regulations shall specify a manner in which persons providing commercial lawn applications may provide an option to occupants of dwellings to decline further notices.

5. The commissioner is hereby authorized to promulgate rules and regulations, not inconsistent with any other provisions of law, specifying procedures for the department's investigation and processing of alleged violations of paragraph c of subdivision one of section 33-1004 of this article that pertain to persons performing residential lawn applications. Such uniform procedures may require complaints to be in the form of a sworn statement containing the facts upon which an alleged violation is based and may provide that the department is not required to perform any testing or sampling in relation to the investigation of any such alleged violations.

Credits

(Added L.2000, c. 285, § 4, eff. March 1, 2001. Amended L.2010, c. 324, § 2, eff. Feb. 9, 2011 ; **L.2020, c. 145, §§ 2 to 4, eff. Dec. 22, 2020** .)

McKinney's E. C. L. § 33-1005, NY ENVIR CONSER § 33-1005



DANIEL P. MCCOY
COUNTY EXECUTIVE

STEPHEN W. HERRICK
PUBLIC DEFENDER

COUNTY OF ALBANY
PUBLIC DEFENDER
112 STATE STREET, 2ND FLOOR
ALBANY, NEW YORK 12207-2021
PHONE: (518) 447-7150 FAX: (518) 447-5533
www.albanycounty.com

April 28, 2021

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

Dear Chairman Joyce:

The Public Defender's Office requests retroactive authorization to enter into a no cost contract extension with the NYS Division of Criminal Justice Services (DCJS) for the Aid to Defense grant that was due to expire on September 30, 2020. The amendment will extend the contract through March 31, 2021, and the amount of the contract will be increased by \$21,369, for a total amount of \$62,877. The Aid to Defense program funds enhanced defense services designed to expedite the processing of serious and violent felony cases through the courts.

Please don't hesitate to contact me with any questions.

Sincerely,


Stephen W. Herrick
Albany County Public Defender

cc: Hon. Dennis A. Feeney, Majority Leader
Hon. Frank A. 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-2475, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Request to amend the NYS Division of Criminal Justice Services (DCJS) FY2019 Aid to Defense grant

Date:	4/28/21
Submitted By:	Stephen Herrick
Department:	Public Defender's Office
Title:	Public Defender
Phone:	518-447-7153
Department Rep.	
Attending Meeting:	Stephen Herrick

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.:

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):

NYS Division of Criminal Justice Services (DCJS)
Gov. Alfred E. Smith State Office Building
80 South Swan Street
Albany, New York 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$62,877

Scope of Services: Supports enhanced defense services designed to expedite the processing of serious and violent felony cases through the courts.

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:

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: 100%

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) 10/1/2019 - 3/31/2021

Length of Contract: 18 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: 2019-470

Date of Adoption: 11/12/2019

Justification: (state briefly why legislative action is requested)

The Public Defender's Office requests retroactive authorization to enter into a no cost contract extension with the NYS Division of Criminal Justice Services (DCJS) for the Aid to Defense grant that was due to expire on September 30, 2020. The amendment will extend the contract through March 31, 2021, and the amount of the contract will be increased by \$21,369, for a total amount of \$62,877. The Aid to Defense grant funds enhanced defense services designed to expedite the processing of serious and violent felony cases through the courts.

Project #: AD19-1000-D01 Aid to Defense Project Status: Pending Grantee Signature
Participant: Albany County

Project

Home Search Open

General	Participants	Budget	Work Plan	Questions	Conditions	Acceptance	Contract Checklist
-------------------------	------------------------------	------------------------	---------------------------	---------------------------	----------------------------	----------------------------	------------------------------------

This page is locked from editing.

Complete screen information and save. Add a Program Purpose Area (if applicable). Once finished, proceed to Participants tab. For contract certifications, appendices and supporting documentation, please visit the [DCJS website](#) for available downloads. When you have completed your application, click the SUBMIT link in the left margin. Remember, you will no longer be able to edit your application once it has been submitted.

[Go to](#)
[Attachment Progress Site Review Equipment](#)

Contract Number	C445169	Federal Agency Name	
DCJS Number	AD19445169	Cost Center Funding Year	2019
	AD20445169		2020
CFDA Number		Project Created Date	08/28/2017
CFDA Description			

[Reports](#)
[Application Deficiency Draft Contract](#)
[Help Logout](#)

Project Title * (60 Character Limit)	Aid to Defense		
Project Start Date	10/01/2019	(If known or applicable)	Submission Date 02/08/2021 09:17 AM
Project End Date	03/31/2021	(If known or applicable)	Grant Funds \$62,877.00 100.00%
Project Period	Years 1 Months 6	Matching Funds	\$0.00 0.00%
		Total Funds	\$62,877.00

Login ID: dlynch

County Have you included a file attachment with this submission?

Version 4.2.8

Summary Description of Project (Please limit to one or two paragraphs)
 Funds will be used to support enhanced defense services designed to expedite the processing of services & violent felony cases through the courts. Support is furnished to ensure thorough case processing & effective representation.

Program Purpose Area.

Program Purpose Code	Description	Remove
----------------------	-------------	--------

* - Mandatory Field

Alderson, Patrick

From: Sill, Mary
Sent: Monday, April 19, 2021 2:50 PM
To: Alderson, Patrick
Subject: FW: Aid to Defense Extension Information
Attachments: 3301 - Subcontractor-Supplier Utilization.xlsx; 3309 - NPS Determination Worksheet.xlsx

Mary S. Sill
Albany County Public Defender
Paralegal
112 State Street, 2nd Floor
Albany, NY 12207
518-487-5338
Mary.Sill@albanycountyny.gov
www.albanycounty.com

From: Mallick, Katelyn (DCJS) <Katelyn.Mallick@dcjs.ny.gov>
Sent: Monday, December 7, 2020 12:15 PM
To: Mallick, Katelyn (DCJS) <Katelyn.Mallick@dcjs.ny.gov>
Subject: Aid to Defense Extension Information

Good Morning,

Congratulations on your Aid to Defense 2020 grant award extension:

The current year's contract has been extended through 3/31/2021. Amended projects have been created in GMS to reflect this extension of your current Budget. Please log into GMS and review your Budget and check the participants tab. You will see the new project listed as "New" under your previous AD19 contract in GMS. Please let me know if you need to make any changes to your new Budget (10/01/2020 – 3/31/2021). The extensions took place in Version 2 of the Budget (so it will be higher than Version 1) and current line items were doubled. If everything looks correct, please submit the amended contract for approvals in GMS.

Also, if your new contract is over \$25,000, you will need to complete, E-sign, and email me back the attached MWBE 3301 and 3309 forms. Please email these back to me as soon as possible.

As always, please do not hesitate to contact me if you have any questions.

Thank you,

Katelyn Mallick
Public Safety Grants Representative 1

New York State Division of Criminal Justice Services
Office of Program Development and Funding
80 South Swan St., Albany, NY 12210
Katelyn.Mallick@dcjs.ny.gov

RESOLUTION NO. 470

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE AID TO DEFENSE PROGRAM

Introduced: 11/12/19

By Law Committee:

WHEREAS, The Albany County Public Defender has requested authorization to enter into an agreement with the New York State Division of Criminal Justice Services regarding the Aid to Defense program in the amount of \$41,508 for the term commencing October 1, 2019 and ending September 30, 2020, and

WHEREAS, The Director has indicated that the funding will be used to support enhanced defense services designed to expedite the processing of serious and violent felony cases through the court system, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the New York State Division of Criminal Justice Services regarding the Aid to Defense program in an amount not to exceed \$41,508 for the term commencing October 1, 2019 and ending September 30, 2020, and, be it further

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

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

Adopted by unanimous vote – 11/12/19

DANIEL P. MCCOY
County Executive



COUNTY OF ALBANY
PROBATION DEPARTMENT
60 SOUTH PEARL STREET
ALBANY, NEW YORK 12207
PHONE: (518) 487-5200
FAX: (518) 487-5204
www.albanycounty.com

WILLIAM CONNORS
Director

Lori Haggerty
Deputy Director

Michael OConnor
Principal Probation Officer

April 16, 2021

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

Re: Raise the Age Grant Approval

Dear Chairman Joyce:

Enclosed is a request for Legislative Action for permission to accept funding to the Probation Department for services for Raise the Age Youth. NYS enacted legislation raising the age of Juvenile Delinquency to 16 and 17 year old children. Raise the age legislation was first enacted on October 1, 2018 for 16 year olds and October 1, 2019 for 17 year olds. It also created a new class of offender called "adolescent offender". This was any 16 or 17 year being charged with a felony. The Probation Department is mandated to provide supervision and services to these youth. This grant was anticipated in the current budget. Albany County Probation is scheduled to receive \$1,047,410 for staffing, which includes benefits and \$628,987 for programs and services. The grant renewal period is from 4.1.2020 – 3.31.2021 in Albany County.

It is respectfully requested this be considered. If you have any questions or need additional information, please do not hesitate to contact me directly at (518) 487-5194.

Sincerely,

William Connors
Probation Director

WC/km
Enc.

cc: Honorable Dennis Feeney, Majority Leader
Honorable Frank Mauriello, Minority Leader
Rebekah Kennedy, Esq., 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-2404, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Raise the Age Grant Renewal

Date:	March 26, 2021
Submitted By:	William Connors
Department:	Probation Department
Title:	Probation Director
Phone:	518-487-5194
Department Rep.	
Attending Meeting:	William Connors

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 3/31/2021

- 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):

New York State Division of Criminal Justice
80 South Swan St, Albany NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: 1,545,649.

Scope of Services: Provide Probation supervision services and evidence based programs and training to all Raise the Age Youth.

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: New York Law changes criminal responsibility of 16 and 17 year old children to Adolescent Offender and Juvenile Delinquent.

Is there a Fiscal Impact: Yes No

Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: A3140 03322 Raise the Age Grant
Revenue Amount: 1,545,649.

Source of Funding - (Percentages)

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

Term

Term: (Start and end date) 04/1/2020-3/31.2021
Length of Contract: 12 months

Impact on Pending Litigation

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

Previous requests for Identical or Similar Action:

Resolution/Law Number: Resolution No 469
Date of Adoption: 11/12/2019

Justification: (state briefly why legislative action is requested)

NYS enacted legislation raising the age of Juvenile Delinquency to 16 and 17 year old children. Raise the age legislation was first enacted on October 1, 2018 for 16 year olds and October 1, 2019 for 17 year olds. It also created a new class of offender called "adolescent offender". This was any 16 or 17 year being charged with a felony. Adolescent Offenders charged with all but the most serious felonies will automatically have their case removed to family court after 30 days unless there is a written objection by the District Attorney. Voluntary probation services tailored for youth will be available for Adolescent and Juvenile offenders. Youth in adolescent court will no longer be sentenced or detained in a facility with adults. The Probation Department is mandated to provide supervision and services to these youth.

RESOLUTION NO. 469**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING REIMBURSEMENT FOR RAISE THE AGE IMPLEMENTATION**

Introduced: 11/12/19

By Law Committee:

WHEREAS, The Director of the Albany County Department of Probation has requested authorization to enter into an agreement with the New York State Division of Criminal Justice Services regarding reimbursement for Raise the Age implementation in the amount of \$1,548,177 for the term commencing April 1, 2018 and ending March 31, 2020, and

WHEREAS, The Director has indicated that the funding will be used to provide probation supervision, case management, evidence-based programming, and training for all Raise the Age youth in Albany County, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the New York State Division of Criminal Justice Services regarding reimbursement for Raise the Age implementation in an amount not to exceed \$1,548,177 for the term commencing April 1, 2018 and ending March 31, 2020, and, be it further

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

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

Adopted by unanimous vote – 11/12/19

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 12th day of November 2019, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 14th day of November, 2019.

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

Clerk, Albany County Legislature



**Division of
the Budget**

ANDREW M. CUOMO
Governor

ROBERT F. MUJICA JR.
Director of the Budget

March 11, 2021

Honorable Daniel McCoy
County Executive
County of Albany
112 State Street
Albany, NY 12207

Dear Mr. McCoy:

Thank you for submitting a SFY 2021 Raise the Age (RTA) county plan. Your RTA county plan submission was reviewed by the State Office of Children and Family Services and the State Division of Criminal Justice Services to ensure that investments necessary to successfully implement RTA are made. As required to permit State reimbursement of incremental eligible costs, the State Division of Budget hereby approves the attached RTA county plan for Albany County for SFY 2021. Please note, the approved plan may differ from your submission.

The State is also in receipt of the tax cap compliance/fiscal hardship certification for calendar years 2020 and 2021. As authorized by State Finance Law section 54-m and Chapter 53 of the Laws of 2020, Albany County is eligible for state reimbursement of incremental RTA costs included in the attached plan incurred in calendar years 2020 and 2021.

Please submit any questions to LocalRTAGuide@ocfs.ny.gov

Thank you again for your commitment to ensuring the successful implementation of Raise the Age. We look forward to continuing to work with you on this important initiative.

Sincerely,

Jesse Olczak
Chief Budget Examiner

Approved Items - Albany

Cluster	Instrument Tabs	2020-21 (CY 2020 for Detention)			CY 2021 (Detention Only)			Total		
		\$ Requested	\$ Recommended	Difference	\$ Requested	\$ Recommended	Difference	\$ Requested	\$ Recommended	Difference
Public Safety	Probation Staffing	\$1,047,410	\$1,047,410	\$0				\$1,047,410	\$1,047,410	\$0
	Probation Services	\$628,987	\$628,987	\$0				\$628,987	\$628,987	\$0
	All Other - Public Safety	\$32,683	\$32,683	\$0				\$32,683	\$32,683	\$0
	Total Public Safety	\$1,709,080	\$1,709,080	\$0				\$1,709,080	\$1,709,080	\$0
Human Services	LDSS	\$325,909	\$325,909	\$0				\$325,909	\$325,909	\$0
	Detention	\$2,584,576	\$2,584,576	\$0	\$3,063,365	\$3,063,365	\$0	\$5,647,941	\$5,647,941	\$0
	All Other - Human Services	\$529,115	\$529,115	\$0				\$529,115	\$529,115	\$0
	Total Human Services	\$3,439,600	\$3,439,600	\$0	\$3,063,365	\$3,063,365	\$0	\$6,502,965	\$6,502,965	\$0
	Total	\$5,148,680	\$5,148,680	\$0	\$3,063,365	\$3,063,365	\$0	\$8,212,045	\$8,212,045	\$0

All items approved

Usage Data can be found in your county's RTA folder on SharePoint. It will be two separate PDF documents- one for Detention and one for Placement data. Additional data the county may find useful (such as average length of stay) can be found at the following link: <https://ocfs.ny.gov/reports/detention/>

Albany County Probation Department

Original
prepopulated
amount

#	Personnel	Total Cost
1	Probation Officers	\$266,915
	2 POT's advance to Probation Officers (promoted from POT) January 2020, 3 advance April 2020, 1 advances July 2020, 2 advance October 2020. - (\$50,841.00 Salary) <i>Document provided by Grantee outlining 2020 salary.</i>	
2	Probation Supervisors	\$141,884
	2 FTE Probation Supervisors (\$70,942.00 Salary) <i>Document provided by Grantee outlining 2020 salary</i>	
3	Probation Assistants	\$36,390
	1 FTE for full fiscal year. (\$36,390.00 Salary) <i>Document provided by Grantee outlining 2020 salary</i>	
4	Sr. Probation Officer	\$83,412
	1 FTE - 1 Sr. Probation Officer to be hired in 3rd quarter 2019-20 .3 FTE Sr. Probation Officer to be hired 2019 (\$64,163.00 Salary) <i>Annualized salary for full year (doubled 2019-20 figures) and increased 2019 salary by 2%.</i>	
5	Probation Officer Trainee	\$123,497
	1/4 salary for 3 POT promoted April, 1/2 salary for POT promoted July, 3/4 salaries for 2 POT promoted October - Salary \$44,908. <i>Document provided by Grantee outlining 2020 salary.</i>	
6	Overtime	\$49,700
	Overtime - \$18,000 T4C - \$12,500 Career University - \$7,200 Girls Circle - \$12,000 <i>Maintained figures from 2019-20. County will also include court processing in the OT.</i>	
	Total	\$701,798
#	Fringe Benefits	Total Cost
1	Probation Officers	\$141,465
	Fringe for Probation Officers (\$26,945.73 for full year) <i>Applied fringe rate of 53% to new salary.</i>	
2	Probation Supervisors	\$75,199
	Fringe for Probation Supervisors (\$37,599.26 for full year). <i>Applied fringe rate of 53% to new salary.</i>	
3	Probation Assistants	\$19,287
	Fringe for Probation Assistant (\$19,286.70 for full year). <i>Applied fringe rate of 53% to new salary.</i>	
4	Probation Officer Trainee	\$65,453
	Fringe for Probation Officer Trainees not yet promoted to PO (\$23,801.24 for full year). <i>Applied fringe rate of 53% to new salary.</i>	
5	Sr. Probation Officer	\$44,208
	Fringe for 1.3 Sr. Probation Officer (\$34,006.39 for full year). <i>Applied fringe rate of 53% to new salary.</i>	
	Total	\$345,612
#	Equipment	Total Cost

In order to complete your Raise the Age (RTA) 2020-21 budget, please review this prepopulated budget developed from annualizing the 2019-20 portion of your existing contract. If you feel this budget meets your needs, a simple affirmation on the excel document will suffice. Next to the "affirmed" cell type Yes or No. This is not your contract approval, simply a way for DCJS to determine if we may move forward with the review/approval process. Once the budget is presented to the Division of Budget (DOB) and approved, a DCJS representative will contact you to finalize the budget within the RTA contract for the 2020-21 term. The probation staffing/services tabs will not be filled in at this time.

1	Equipment and Onboarding	\$0
	Removed funds for new equipment. Expected to have been purchased by end of 2019-20. Onboarding costs associated with any new positions will still be required. We are asking that \$36,195.00 be restored to the RTA budget/plan to accommodate additional staff increases. This money will be used to acquire, among other things: New employee evaluations, chairs, computers, telephones, body armor, batons, pepper spray, search gloves, badges/cases, handcuff cases, and computer cameras.	\$39,195
	Total	\$39,195
#	Travel and Subsistence	Total Cost
1	Travel	\$3,300
	Funds to be used for traveling related to RTA, including but not limited to meetings, trainings, treatment reviews, program intakes and reporting stations. Maintained costs from 2019-20.	
	Total	\$3,300
#	All Other Expenses	Total Cost
1	Alternative to Detention Services	\$75,775
	Respite- \$63,000 - \$300 per day with a maximum stay of 21 days. accommodate up to 10 additional youth yearly for the total program cost. \$12,775 to be utilized for the cost of equipment and monitoring for Electronic Monitoring. Maintained number of youth and cost from 2019-20.	
2	Program Services: Low Intensity Interventions	\$5,127
	Funds will also be used for any necessary materials related to Girls Circle. Maintained cost from 2019-20. To include boys circle	
3	Program Services: Cognitive Behavioral Interventions	\$2,590
	Funds will be used for materials related to BITS. Maintained cost from 2019-20. To include decision points and associated training as appropriate.	
4	Program Services: Intensive Family Therapy	\$300,000
	Funds will be used to provide Multisystemic Therapy (MST) to 24 youth. Cost per youth is \$12,500. Maintained number of youth and cost from 2019-20.	
5	Program Services: Other	\$200,000
	Funds will be used to provide services including but not limited to mentoring, transportation, skill building, parental support/education, and housing assistance to 50 families a year, cost per youth is \$4000. Albany county will be contracting with a provider for these services.(TBD) Maintained number of youth and cost from 2019-20, but if there is a more solid plan, this should be updated.	
6	Ancillary: Transportation of Youth	\$3,000
	Funds to be used to purchase bus passes or provide alternate means of transportation for youth and families. Maintained number of youth and cost from 2019-20.	
	Total	\$586,492
Version 1 Total	Total Cost	Grant Funds
		\$1,676,397

50 If you feel that additional funds are needed in any category to be adequately reimbursed for incremental costs due to RTA, you may make the request with a brief explanation of need and a justification for the increase in funds. DCJS will review your request. You may make this request by creating a Word document and attaching it to your sharepoint folder. Also, please take this opportunity to review your county's actual expenses to see if any budget category may be reduced. Any changes to the allocated funding in this excel spreadsheet should be highlighted in yellow.

RAISE THE AGE IMPLEMENTATION PLANNING INSTRUMENT

Local District Social Services Departments

NOTE: All requests for additional reimbursement must be accompanied by a corresponding narrative in the "Justification/Reasonableness" section at the bottom of this page. All requests for reimbursement must include detailed information on current workload and demonstrate the clear need for additional staff resources and other expenses commensurate with RTA data projections for the district.

SFY 2020-21 (April 1, 2020 - March 31, 2021)

					Enter 2020-21 Fringe Rate	52.30%
Local District Social Services	FTE in Relation to RTA	Average Salary	Fringe Benefits	Percent of Year Worked	Total Personal Service Costs for the Year	Total Other Than Personal Service Costs for the Year
List Staffing Needs By Title:						
Caseworker	3.00	\$49,833	\$26,063	17%	\$38,707	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	
	0.00	\$0	\$0	0%	\$0	

List Other Than Personal Service Costs:					
CW Eligible Prevention Services- Functional Family Therapy FFT					\$48,336
CW Eligible Prevention Services- Clinical					\$178,449
Travel					\$4,176
Aftercare Services (In Placement W/One of 13 RTA Voluntary Agencies)					\$52,728
Office Equipment					\$3,513
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
Grand Total:	3.00	\$49,833	\$26,063	\$38,707	\$287,202

Justification/Reasonableness			
Area of request (examples: staffing; contracted services; fleet vehicles; office space; equipment; etc..)	Current workload/capacity	Projected RTA increase	Narrative
List Staffing Needs By Title:			
Caseworker	1 caseworker:15 youth	45 youth	At full implementation, anticipated RTA VA placements for Albany County projected to be 45-60 cases. At a ratio of 1:15. 3 caseworkers will be hired in 2020-2021 fiscal year, previously approved in the RTA plan.
0			
0			

0			
0			
0			
0			
0			
0			
0			

0			
0			
0			
0			
0			
List Other Than Personal Service Costs:			
CW Eligible Prevention Services- Functional Family Therapy FFT	Current FFT contract to serve 12 families	6 slots for RTA youth	The Functional Family Therapy (FFT) program is an evidence-based practice for youth displaying a range of problematic behaviors including "at-risk" behaviors such as excessive school absences, "acting out," and incorrigibility; to more serious behaviors such as conduct disorder, violent acting-out, and substance abuse. FFT is a three-stage process that is completed within an average of 8-12 family therapy sessions over a six month period. This was a current contract that expanded for RTA in SFY 2019-20. Cost/unit is about \$4,028. It is estimated that 12 youth will be served by the program. At the time that a youth is diverted to Probation, if appropriate, they would be referred to the FFT program. This was an expanded contract approved on the 2019-20 RTA plan

CW Eligible Prevention Services- Clinical	Current clinical contract to serve 60 families	10 clinical slots for RTA youth and families	Clinical Prevention Services include assessment, diagnostic testing, case and specialized therapies provided by a person who has received a Master of Social Work degree, Master of Mental Health Counseling degree or is a licensed Psychologist. Assessment and clinical services include family and individual interviews, contact with collateral agencies, schools, extended family and natural supports and diligent communication with Albany County staff. The therapist meets with the family/family members a minimum of once per week, for a minimum of 1 hour, and are available to the family during any crisis situation. Clinical services occur in the family residence at least twice per month. Services are provided at intervals of 6 months and can be extended for an additional six months if needed. Costs of programs services at per diem rate of about \$49 for up to ten (10) families at a time for 365 days is about \$178,449. It is anticipated that up to 15 youth/families will be serviced by the program. At the time a youth is diverted to probation and/or at the time that a youth is placed, a referral would be made for this program. This was an expanding contract in SFY 2019-20 and previously approved on the 2019-20 RTA plan
Travel	Current average monthly mileage for ASU caseworker- 200 miles	Projected to be similar mileage as utilizing same facilities	Caseworker Community visits in Albany County 2020 mileage rate- \$0.58 cents. Estimated mileage of 200 miles/month x \$0.58 cents is \$116. Costs for SFY 2020-21 for 3 caseworkers \$4,176. County utilizes IRS mileage rate for mileage reimbursement costs. Mileage was estimated based on historical averages for caseworkers.
Aftercare Services (In Placement W/One of 13 RTA Voluntary Agencies)		7 Youth	This was a new contract for RTA in SFY 19-20. Aftercare services to be provided by staff of the 13 RTA Residential Facilities approved by NYS. The voluntary agency where each youth is placed will perform aftercare services from the first day of placement and during trial discharge until the end of the court order, typically one year in total. The agency aftercare worker provides these services to the youth and the family to help them prepare for the youth's return to the community and to supervise the youth while in the community. RTA Residential Facility Aftercare Cost (while youth is in placement in one of the 13 RTA VA's) at \$52 per day for a total of 1014 aftercare days serving 7 RTA youth in SFY 20-21. Youth are court ordered.
Office Equipment			Office Equipment for three caseworkers: Computer \$626 x 3 = \$1878; Monitor \$95 x 3 = \$285; Microsoft Office License \$250 x 3 = \$750; Cisco IP Phone \$200 x 3 = \$600 Total \$3,513
	0		

0			
0			
0			
0			
0			
0			
0			

0			
0			

RAISE THE AGE IMPLEMENTATION PLANNING INSTRUMENT

Detention (Specialized Secure, Secure, & Non-Secure)

NOTE: All requests for additional reimbursement must be accompanied by a corresponding narrative in the "Justification/Reasonableness" section at the bottom of this page. All requests for reimbursement must include detailed information on current workload and demonstrate the clear need for additional staff resources and other expenses commensurate with RTA data projections for the district.

Calendar Year 2020 (January 01, 2020 - December 31, 2020)

Detention (Specialized Secure, Secure, & Non-Secure)					Total Personal Service Costs for the Year	Total Other Than Personal Service Costs for the Year
List Staffing Needs By Title:						
SD PS Costs					\$ 481,670	
SSD PS Costs					\$ 1,259,498	
List Other Than Personal Service Costs:						
SD OTPS Costs						\$ 214,548
SSD OTPS Costs						\$ 495,857
Non-Secure Detention						\$ 133,003
NSD Transportation						\$ -
Grand Total:	0	\$0	\$0		\$1,741,168	\$843,408

Calendar Year 2021 (January 01, 2021 - December 31, 2021)

					Total Personal Service Costs for the Year	Total Other Than Personal Service Costs for the Year
					\$ 398,272	
					\$ 1,674,832	
						\$ 169,082
						\$ 667,714
						\$ 153,465
						\$ -
0	\$0	\$0			\$2,073,104	\$990,261

Justification/Reasonableness							
Area of request (examples: staffing; contracted services; fleet vehicles; office space; equipment; etc..)	Current workload/capacity		Projected RTA increase		Narrative		
List Staffing Needs By Title:							
SD PS Costs							
SSD PS Costs							
List Other Than Personal Service Costs:							
SD OTPS Costs							
SSD OTPS Costs							
CY 2020 Non-Secure Detention	Number of Youth	13	Average Length of Stay	13	Daily Rate	787	Total NSD Costs \$ 133,003
Non-Secure Detention costs calculations: Number of youth * Average Length of Stay * Daily Rate = Total NSD Costs							
CY 2021 Non-Secure Detention	Number of Youth	15	Average Length of Stay	13	Daily Rate	787	Total NSD Costs \$ 153,465
Non-Secure Detention costs calculations: Number of youth * Average Length of Stay * Daily Rate = Total NSD Costs							
NSD Transportation 01/01/20-12/31/20							
	Number of youth		Total Deputy Hourly Costs		Calculations: Number of hours per round trip X number of trips per youth X number of youth X hourly rate per officer/deputy X number of officer/deputy (per trip) = Total Hourly costs for office/deputy		\$ -
	Trips per youth						
	Hours per Trip		Total Mileage Costs		Calculations: Mileage per round trip X number of trips per youth X number of youth X IRS mileage rate = Total Mileage costs		\$ -
	Deputy Hourly Costs						
	Number of Deputies per Trip		Total Tolls Cost		Calculations: Number of trips per youth X number of youth X tolls per round trip = Total Toll costs		\$ -
	Miles per Trip						
	IRS Mileage Rate		Total Per Diem Costs		Calculations: (Meal Costs X number of trips per youth X number of youth X number of meals per trip) + (Hotel Costs per trip X number of youth X number of trips per youth X number of Deputies per trip) = Total Per Diem Costs		\$ -
	Toll Costs per trip						
	Hotel Per Diem Amount		Total Detention Transportation Costs		Total Deputy Hourly Costs + Total Mileage Costs + Total Tolls Cost + Total Per Diem Costs = Total Detention Transportation Costs		\$ -
	Meal Per Diem Amount						
	Number of Meal Per Diems Per Trip						

NSD Transportation 01/01/21-12/31/21				
Number of youth		Total Deputy Hourly Costs	Calculations: Number of hours per round trip X number of trips per youth X number of youth X hourly rate per officer/deputy X number of officer/deputy (per trip) = Total Hourly costs for office/deputy	\$ -
Trips per youth				
Hours per Trip		Total Mileage Costs	Calculations: Mileage per round trip X number of trips per youth X number of youth X IRS mileage rate = Total Mileage costs	\$ -
Deputy Hourly Costs				
Number of Deputies per Trip		Total Tolls Cost	Calculations: Number of trips per youth X number of youth X tolls per round trip = Total Toll costs	\$ -
Miles per Trip				
IRS Mileage Rate		Total Per Diem Costs	Calculations: (Meal Costs X number of trips per youth X number of youth X number of meals per trip) + (Hotel Costs per trip X number of youth X number of trips per youth X number of Deputies per trip) = Total Per Diem Costs	\$ -
Toll Costs per trip				
Hotel Per Diem Amount		Total Detention Transportation Costs	Total Deputy Hourly Costs + Total Mileage Costs + Total Tolls Cost + Total Per Diem Costs = Total Detention Transportation Costs	\$ -
Meal Per Diem Amount				
Number of Meal Per Diems Per Trip				

RAISE THE AGE IMPLEMENTATION PLANNING INSTRUMENT

All Other

NOTE: All requests for additional reimbursement must be accompanied by a corresponding narrative in the "Justification/Reasonableness" section at the bottom of this page. All requests for reimbursement must include detailed information on current workload and demonstrate the clear need for additional staff resources and other expenses commensurate with RTA data projections for the district.

SFY 2020-21 (April 1, 2020 - March 31, 2021)

(except STSJP-RTA which follows the STSJP program year of 10/1/20 – 9/30/21)

					Enter 2020-21 Fringe Rate	53.06%
All Other	FTE in Relation to RTA	Average Salary	Fringe Benefits	Percent of Year Worked	Total Personal Service Costs for the Year	Total Other Than Personal Service Costs for the Year
List Staffing Needs By Title:						
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Girls ATP Probation Officer	0.50	\$45,806	\$24,305	100%	\$35,055	
STSJP/RTA - Juvenile Community Accountability Board (JCAB) Senior Probation Officer	0.70	\$65,445	\$34,686	100%	\$70,092	
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Boys ATD Probation Officer	0.50	\$45,806	\$24,305	100%	\$35,055	
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Boys ATP Probation Officer	0.50	\$45,806	\$24,305	100%	\$35,055	
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Girls ATD Probation Officer	0.50	\$45,806	\$24,305	100%	\$35,055	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
	0	\$0	\$0	0%	\$0	
List Other Than Personal Service Costs:						
STSJP/RTA - Juvenile Reporting & Family Center Boys (ATD)-LaSalle						\$60,000
STSJP/RTA - Juvenile Reporting & Family Center Boys (ATP)-LaSalle						\$60,000
STSJP/RTA - Juvenile Reporting & Family Center Girls (ATD)-LaSalle						\$60,000
STSJP/RTA - Juvenile Reporting & Family Center Girls (ATP)-LaSalle						\$60,000
STSJP/RTA - Juvenile Community Accountability Board (JCAB) Overtime						\$6,000
STSJP/RTA - Incentives						\$6,000
Albany Police Dept. OT for arrest, processing, transportation of RTA arrestees						\$15,000
Bethlehem Police Dept. OT for arrest, processing, transportation of RTA arrestees						\$8,730
Colonie Police Dept costs to expand Juvenile booking/interview room						\$7,274
Secure Detention Furniture and Security Upgrades						\$9,505
Secure Detention Anti-Ligature Bedroom Furniture						\$57,297
Partition for County Vehicle for DCYF						\$1,679
						\$0
						\$0
Grand Total:	2.70	\$248,669	\$131,905		\$210,313	\$351,485

Fringe calculated manually at 53%

Justification/Reasonableness			
Area of request (examples: staffing; contracted services; fleet vehicles; office space; equipment; etc..)	Current workload/capacity	Projected RTA increase	Narrative
List Staffing Needs By Title:			
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Girls ATP Probation Officer	55 youth	15 youth	The JRFC-Girls is an evening reporting center model, which is utilized as an alternative to placement (ATP). Enhanced community supervision for this ATP is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth does not commit a new juvenile offense and is not ordered to placement during the service period. One Probation officer at \$35,055 (1/2 a Probation Officers salary) and \$60,000 for LaSalle for a total of \$95,055 Approximately 15 youth will be served by this ATP with a length of stay of 90 days for a total cost per youth of \$6,337. Albany County has expanded on an existing contract with LaSalle school in SFY 2018-19. Youth referred to this program by Probation will begin the Intake process for the JRFC within 24 hours of said referral and will begin program within 1-2 business days after this Intake. . Previously approved in 2019-20
STSJP/RTA - Juvenile Community Accountability Board (JCAB) Senior Probation Officer	40 youth	35 youth	The JCAB is a program that seeks to divert moderate and even high-risk juveniles accused of an act of delinquency from Family Court, hence avoiding possible detention, adjudication, and possible placement. The JCAB is based on a restorative justice model which allows for successful resolution of the case, avoiding further entry into the juvenile justice system. Youth will start the program once referred by an Intake probation Officer and referrals will be made at the time of the Appearance Ticket Meeting. One senior probation officer at 70% (\$70,092) plus OT costs (\$6,000). The program will serve up to 35 additional youth (at a cost of \$2174 per youth). The average length for a youth in the program is 90 days. The Probation Department facilitates all aspects of this program including the training of new board members and the scheduling/running of meetings. There is no outside contract associated with this program. . Previously approved in 2019-20
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Boys ATD Probation Officer	55 youth	15 youth	The JRFC-Boys is an evening reporting center model, which is utilized as an alternative to detention (ATD). Enhanced community supervision for this ATD is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family and youth to ensure that youth attends all Court appearances and does not commit an offense during the pendency of the case. One Probation officer at \$35,055 (1/2 a Probation Officer's salary) and \$60,000 for LaSalle for a total of \$95,055. Approximately 15 youth will be served by this ATD with a length of stay of 90 days for total cost per youth of \$6,337. Albany County has expanded on an existing contract with LaSalle school in SFY 2018-19. Youth ordered to this program by a Judge will begin the Intake process for the JRFC within 24 hours of said Judicial order and will begin program within 1-2 business days after this Intake. . Previously approved in 2019-20
STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Boys ATP Probation Officer	55 youth	15 youth	The JRFC-Boys is an evening reporting center model, which is utilized as an alternative to placemnt (ATP). Enhanced community supervision for this ATP is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth does not commit a new juvenile offense and is not ordered to placement during the service period. One Probation officer at \$35,055 (1/2 a Probation Officer's salary) and \$60,000 for LaSalle for a total of \$95,055 Approximately 15 youth will be served by this ATP with a length of stay of 90 days for a total cost per youth of \$6,337. Albany County has expanded on an existing contract with LaSalle school in SFY 2018-19. Youth referred to this program by Probation will begin the Intake process for the JRFC within 24 hours of said referral and will begin program within 1-2 business days after this Intake. This was an existing contract that was expanded for RTA in 2019-20.

<p>STSJP/RTA - Juvenile Reporting and Family Center (JRFC)- Girls ATD Probation Officer</p>	<p>55 youth</p>	<p>15 youth</p>	<p>The JRFC-Girls is an evening reporting center model, which is utilized as an alternative to detention (ATD). Enhanced community supervision for this ATD is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth attends all Court appearances and does not commit an offense during the pendency of the case. One Probation officer at \$35,055 (1/2 a Probation Officers salary) and \$60,000 for LaSalle for a total of \$95,055 Approximately 15 youth will be served by this ATD with a length of stay of 90 days for a total cost per youth of \$6,337. Albany County has expanded on an existing contract with LaSalle school in SFY 2018-19. Youth ordered to this program by a Judge will begin the Intake process for the JRFC within 24 hours of said Judicial order and will begin program within 1-2 business days after this Intake. . Previously approved in 2019-20</p>
<p>0</p>			
<p>0</p>			
<p>0</p>			
<p>0</p>			
<p>0</p>			

0			
0			
0			
List Other Than Personal Service Costs:			
STSP/RTA - Juvenile Reporting & Family Center Boys (ATD)--LaSalle	55 youth	15 youth	The JRFC-Boys is an evening reporting center model, which is utilized as an alternative to detention (ATD). Enhanced community supervision for this ATD is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth attends all Court appearances and does not commit an offense during the pendency of the case. One Probation officer at \$35,055 (1/2 a Probation Officer's salary) and \$60,000 for LaSalle for a total of \$95,055. Approximately 15 youth will be served by this ATD with a length of stay of 90 days for a total cost per youth of \$6,337. Albany County is looking to expand on an existing contract with LaSalle school. Youth ordered to this program by a Judge will begin the Intake process for the JRFC within 24 hours of said Judicial order and will begin program within 1-2 business days after this Intake. This was an existing contract that was expanded for RTA in 2019-20.

STSJP/RTA - Juvenile Reporting & Family Center Boys (ATP)-LaSalle	55 youth	15 youth	<p>The JRFC-Boys is an evening reporting center model, which is utilized as an alternative to placement (ATP). Enhanced community supervision for this ATP is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth does not commit a new juvenile offense and is not ordered to placement during the service period. One Probation officer at \$35,055 (1/2 a Probation Officer's salary) and \$60,000 for LaSalle for a total of \$95,055. Approximately 15 youth will be served by this ATP with a length of stay of 90 days for a total cost per youth of \$6337. Albany County is looking to expand on an existing contract with LaSalle school. Youth referred to this program by Probation will begin the Intake process for the JRFC within 24 hours of said referral and will begin program within 1-2 business days after this Intake. This was an existing contract that was expanded for RTA in 2019-20.</p>
STSJP/RTA - Juvenile Reporting & Family Center Girls (ATD)-LaSalle	55 youth	15 youth	<p>The JRFC-Girls is an evening reporting center model, which is utilized as an alternative to detention (ATD). Enhanced community supervision for this ATD is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth attends all Court appearances and does not commit an offense during the pendency of the case. One Probation officer at \$35,055 (1/2 a Probation Officers salary) and \$60,000 for LaSalle for a total of \$95,055. Approximately 15 youth will be served by this ATD with a length of stay of 90 days for a total cost per youth of \$6337. Albany County is looking to expand on an existing contract with LaSalle school. Youth ordered to this program by a Judge will begin the Intake process for the JRFC within 24 hours of said Judicial order and will begin program within 1-2 business days after this Intake. This was an existing contract that was expanded for RTA in 2019-20.</p>
STSJP/RTA - Juvenile Reporting & Family Center Girls (ATP)-LaSalle	55 youth	15 youth	<p>The JRFC-Girls is an evening reporting center model, which is utilized as an alternative to placement (ATP). Enhanced community supervision for this ATP is provided by a Probation officer who will work closely with this program run by LaSalle School. Regular contact is coordinated with the program, family, and youth to ensure that youth does not commit a new juvenile offense and is not ordered to placement during the service period. One Probation officer at \$35,055 (1/2 a Probation Officers salary) and \$60,000 for LaSalle for a total of \$95,055. Approximately 15 youth will be served by this ATP with a length of stay of 90 days for a total cost per youth of \$6337. Albany County has expanded on an existing contract with LaSalle school. Youth referred to this program by Probation will begin the Intake process for the JRFC within 24 hours of said referral and will begin program within 1-2 business days after this Intake. This was an existing contract that was expanded for RTA in 2019-20.</p>
STSJP/RTA - Juvenile Community Accountability Board (JCAB) Overtime	40 youth	35 youth	<p>The JCAB is a program that seeks to divert moderate and even high-risk juveniles accused of an act of delinquency from Family Court, hence avoiding possible detention, adjudication, and possible placement. The JCAB is based on a restorative justice model which allows for successful resolution of the case, avoiding further entry into the juvenile justice system. Youth will start the program once referred by an Intake probation Officer and referrals will be made at the time of the Appearance Ticket Meeting. One senior probation officer at 70% (\$70,092) plus OT costs (\$6,000). The program will serve up to 35 additional youth (at a cost of \$2137 per youth). The average length for a youth in the program is 90 days. The Probation Department facilitates all aspects of this program including the training of new board members and the scheduling/running of meetings. There is no outside contract associated with this program. This was an existing contract that was expanded for RTA in 2019-20.</p>

STSJP/RTA - Incentives	45 youth	100 youth	<p>In SFY 2017-18, under STSJP, Probation in collaboration with DCYF expanded on policy and procedures involving the use of graduated incentives. Youth now, if able to complete certain Probation identified tasks, can take advantage of various incentives such as (among other things) water bottles, earbuds, sport bags, and gift certificates, all in an effort to improve behavior and increase the likelihood that they will successfully complete their terms of Probation thereby avoiding further and future court involvement. This Department is looking to expand this use of material incentives to 2020 and will continue to include the RTA population. Funding at this time is being requested in the amount \$6,000 for SFY 20-21. It will serve approximately 100 RTA youth for SFY 20-21. Youth will be eligible to participate in the incentive program at all stages of their involvement with Probation. Those involved with Intake/Diversion will have an average participation of 90 days and can begin taking advantage of the incentive program, if deemed eligible, immediately after agreeing to Diversion services while those on Formal Supervision will have an average of 9 month participation and can begin taking advantage of the incentive program, if deemed eligible, once they have completed the first report with their assigned Probation Officer. It is estimated that 100 youth will be eligible and take advantage of the incentives available. Incentives will be incremental with the average total incentive amount for each youth being approximately \$50.00. It is apparent that those involved with Probation for longer periods of time have the ability to earn higher incentives. The Albany County Probation Department and the Albany County Division for Children, Youth and Family will jointly manage the incentive program. There is no outside contract associated with this program. This program expanded to RTA youth in program year 2019-20. This item was previously approved on the 2019-20 RTA plan. Probation refers the youth.</p>
Albany Police Dept. OT for arrest, processing, transportation of RTA arrestees			<p>Albany PD is seeking reimbursement for OT costs for the arrest, processing and transportation of RTA arrestees. APD is conservatively estimating those costs to be \$15,000 which will be used to cover the additional work of Juvenile detectives as well as any additionally identified training needs. 100 arrests x \$50 per hour police time x 3 hours (contracted number of hours required) = \$15,000</p>
Bethlehem Police Dept. OT for arrest, processing, transportation of RTA arrestees			<p>Bethlehem PD is seeking reimbursement for OT related to arrest, processing and transportation of RTA arrestees. Bethlehem PD is estimating 34 RTA cases x 4 (contracted number of hours required) x \$6.,19 (per hour rate) = \$8,729.84. Bethlehem PD assumes 9 16-year-olds and 25 17-year-olds per year. These cases will be handled by the Family Services unit of the PD. Current policy requires that a Family Service detective be called in to deal with the arrest of any juveniles when parents/guardians cannot immediately be located. Family Service detectives would also be responsible for the transport of any juvenile to non-secure detention involving out of county travel. Additionally, the OCA approved holding area for juveniles is outside the area that can be accessed by patrol officers. Further, agency policy mandates that for any juvenile looking at being detained, such is done by the Family Service unit. Detectives will be responsible for locating and transporting youth to an accessible magistrate, most of which are not located in the Town. Detectives also appear and handle any court appearances. The amount requested is based solely on OT for these call-in detectives and not for those officers already on duty.</p>
Colonia Police Dept costs to expand Juvenile booking/interview room			<p>The Colonia Police Department anticipates an average of 100 juveniles and 100 juveniles per year. These youth will now need to be processed in the Juvenile Unit of the Department. This will require updating and upgrading space in the Juvenile Unit which is now vacant. Prior to RTA, juveniles were booked at the desk of the Investigator assigned the case. The increase in juvenile arrests will no longer make this a viable option. This newly outfitted area will be able to satisfy all needs of juvenile booking and still provide for day to day operations of the Juvenile unit. This area will be monitored one on one by the Investigators and also by internal surveillance, in accordance with the rest of the facility. This area is in the OCA/OCFS approved area and will be subject to the yearly inspection to ensure compliance and will be outfitted as such. The requested equipment will add two interview /booking stations and provide for security measures to address the, as of now, less secure area of the department. Colonia PD is still requesting the following: Computer equipment x 2 = \$1867 Phone Jacks and Phones x 2 = \$460 Office furniture to include desk, table, chairs and</p>

Secure Detention Furniture and Security Upgrades			<p>Security and Furniture Upgrades were required for SCOC Certification of the Specialized Secure Detention Facility. The security system networking was needed to add to cameras to areas not previously covered and link them to a digital recorder in the central control pod. The State Commission of Correction (SCOC) and the Albany County Sheriff's office required mirrored window film to be installed on the central control pod to ensure youth could not view inside.</p> <p>The CDYCI Consortium Counties share costs as follows: Albany, 60%; Rensselaer, 16%; Saratoga, 8%; Schenectady, 16%.</p> <p>Project Elements and Total Project Costs: Security System Networking, 265.00</p>
Secure Detention Anti-Ligature Bedroom Furniture			<p>Secure Detention Anti-Ligature Bedroom Furniture</p> <p>CDYCI was under a conditional operations certificate and Variance #19-V-06 issued by the New York State Commission of Corrections (SCOC) requiring the agency to replace the bedroom furniture with anti-ligature furniture. DOB approved these project expenses. The procurement and overall project was managed by DASNY. Scheduled to begin the week of March 16, 2020, the project was delayed with the advent of NY Pause. This COVID-related postponement resulted in additional project costs including storage fees for the furniture, remobilizing the installation vendor, insurance covering the furniture, project management costs to replan installation. Installation was completed in the fall of 2020. The estimated install costs were a bit lower than anticipated but DASNY's fees were higher than expected given the additional work to coordinate installation, insure COVID Safety protocols related to installation with the vendor and revising the project</p>
Partition for County Vehicle for DCYF	Currently utilizes vehicles from Probation	With increased number of outh due to RTA, DCYF will need to have own vehicle equiped to transport youth safely	When staff are transporting JD youth to and from court and voluntary agency using an existing motor pool vehicle, for safety purposes, the installation of a partition in the county vehicle is requested. Estimated cost: Partition = \$773 Shipping = \$ 146 Labor costs to install \$760 for a total of \$1,679
0			

Locality Totals

	2020-21 RTA Plan	2021 Calendar Year
Probation Staffing	\$ 1,047,410.00	N/A
Probation Services	\$ 628,987.00	N/A
LDSS	\$ 325,909	N/A
Detention	\$ 2,584,576	\$ 3,063,365
All Other*	\$ 561,798	N/A
Grand Total	\$ 5,148,680	\$ 3,063,365

*Detention tab costs is the only item running on calendar year and need two years of approval



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

April 27, 2021

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

Dear Chairman Joyce:

I am requesting permission to accept a grant award from NYS Office for the Prevention of Domestic Violence (NYS OPDV) for one time funding in the amount of \$40,816.33. This one time funding is to provide Rape Crisis and Sexual Assault Programs with emergency use funds to assist programs in serving sexual assault victims under COVID conditions. This contract must be signed by June 1, 2021 and the funding must be spent by September 30, 2021.

Additional documentation is attached for your review.

I appreciate your consideration this matter.

Sincerely,

Karen Ziegler

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



County of Albany

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

Legislation Text

File #: TMP-2425, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract between NYS Office for the Prevention of Domestic Violence and CVSVC for COVID funding

Date:	April 27, 2021
Submitted By:	K Ziegler
Department:	CVSVC
Title:	Director
Phone:	518-447-7100
Department Rep.	
Attending Meeting:	K 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

File #: TMP-2425, **Version:** 1

- Personnel Non-Individual
 Revenue

Increase Account/Line No.: A4610 22050
Source of Funds: NYS Office for the Prevention of Domestic Violence
Title Change: [Click or tap here to enter text.](#)

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

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

New

Submission Date Deadline 4/16/2021

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

Contract Terms/Conditions:

Party (Name/address):

NYS Office for the Prevention of Domestic Violence
80 South Swan Street, 11th floor
Albany, NY 12210

Additional Parties (Names/addresses):

[Click or tap here to enter text.](#)

Amount/Raise Schedule/Fee: 40,816.33
Scope of Services: Violence of Crime Act (VOCA) approved emergency use funding for rape crisis and sexual violence providers. We will use the funding to purchase laptops, tablets, printers and other mobile advocacy related items, office furniture and supplies, as well as expenses related to making the off-site facility ADA compliant.

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: A 03495

Revenue Amount: 40,816.33

Appropriation Account and Line: A4610 22050; A4610 44020; A4610 44046

Appropriation Amount: 40,816.33

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) 6/1/2021 - 9/30/2021

Length of Contract: 4 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: 136

Date of Adoption: 4/11/2016

Justification: (state briefly why legislative action is requested)

This one time funding will allow CVSVC to purchase laptops, tablets, etc. and supporting items to better provide services to sexual assault victims while working remotely. This will allow improved communications and service provision to meet client needs. Additionally, funding will be applied toward costs incurred to make the off-site facility ADA compliant and purchasing office furniture and supplies for the space. The contract will need to be signed by June 1, 2021 and the funds spent by September 30, 2021.

Good morning Karen,

It was nice to speak with you this morning! After reviewing all of the responses, we wanted to inform you that the anticipated award amount you will receive for the SA COVID-19 Recovery Fund will be \$40,816.33. Please note that final grant awards are contingent upon the review and approval of the Office of the New York State Comptroller and the Division of Budget. OPDV is currently working on receiving those approvals and will notify you as soon as a final determination is provided. If approvals are granted, we will work with you on developing a budget and workplan for the final contract.

Thank you for your interest in this funding and your continued dedication to survivors and their families.

Best,

Máire

Máire Cunningham

Pronouns: she/her/hers

Performance and Operations Administrator / Bureau of Finance & Administration

maire.cunningham@opdv.ny.gov / 518-457-5987

New York State Office for the Prevention of Domestic Violence

Alfred E. Smith Building, 80 S. Swan Street, Room 1157, Albany, NY 12210

Main: 518-457-5800

www.opdv.ny.gov



APPROPRIATIONS						
ACCOUNT	RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME	ANNUAL
AA 4610 2 2001	Computer Supplies	25,000		-	Crime Victim and Sexual Violence Center	
AA 4610 4 4020	Office Supplies	5,816			Crime Victim and Sexual Violence Center	
AA 4610 4 4046	Fees for Services	10,000			Crime Victim and Sexual Violence Center	
TOTAL APPROPRIATIONS		<u>40,816.00</u>	<u>0.00</u>			
ESTIMATED REVENUES						
ACCOUNT	RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME	
AA 4610 0 3495 000	NYS OPDV Sexual Assault Recov	0.00	40,816.33		Crime Victim and Sexual Violence Center	
TOTAL ESTIMATED REVENUES		<u>0.00</u>	<u>40,816.33</u>			
GRAND TOTALS		<u>40,816.00</u>	<u>40,816.33</u>			

RESOLUTION NO. 136

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE NYS OFFICE OF VICTIM SERVICES REGARDING EQUIPMENT FOR USE WITH THE VICTIM SERVICES PORTAL FOR THE CRIME VICTIM AND SEXUAL VIOLENCE CENTER AND AMENDING THE 2016 CRIME VICTIM AND SEXUAL VIOLENCE CENTER BUDGET

Introduced: 4/11/16

By Law Committee, Mr. Clenahan and Ms. McKnight:

WHEREAS, The New York State Office of Victim Services has notified the Director of the Crime Victim and Sexual Violence Center that grant is available regarding equipment for use with the Victim Services Portal for a period commencing March 1, 2016 and ending February 28, 2017, and

WHEREAS, It has been indicated that this grant will be used to address the long recognized issue that Victim Assistance Programs are underequipped with technology, including lack of computers, scanners, printers, software, portable devices and other technology related equipment, and

WHEREAS, The Director has requested authorization to submit the grant application and enter into an agreement with the New York State Office of Victim Services, and

WHEREAS, The Director has also requested a budget amendment in the amount of \$18,612 in order to incorporate the aforementioned grant funding into the 2016 Budget, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into an agreement with the New York State Office of Victim Services regarding equipment for use with the Victim Services Portal in the amount of \$18,612 for the period commencing March 1, 2016 and ending February 28, 2017, and, be it further

RESOLVED, That the 2016 Crime Victim and Sexual Violence Center Budget is amended as follows:

Increase Revenue Account A3496 Victims Assistance Grant by \$18,612

Increase Appropriation Account A4610 by \$18,612 by increasing Line Item A4610 2001 Office Equipment by \$18,612

and, be it further

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

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

Adopted by unanimous vote. 4/11/16



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

May 4, 2021

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

Dear Chairman Joyce:

The County Executive's Office, on behalf of the Public Defender, Alternate Public Defender, and Assigned Counsel Program, requests authorization to apply for the NYS Office of Indigent Legal Services (ILS)' Second Upstate Model Family Representation Office grant. This grant would provide funding to create a client-centered, interdisciplinary, and holistic parental law office that provides parental representation and other wraparound social services through all phases of a CPS (Child Protective Services) matter. There is no funding match or any other cost to the county to participate in this project.

Please don't hesitate to contact me with any questions.

Sincerely,

Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis A. Feeney, Majority Leader
Hon. Frank A. 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-2485, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Request to apply for NYS Office of Indigent Legal Services Second Upstate Model Family Representation Office Grant

Date:	5/4/21
Submitted By:	Patrick Alderson
Department:	County Executive's Office
Title:	Policy Analyst
Phone:	518-447-3033
Department Rep.	
Attending Meeting:	Patrick Alderson

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

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

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

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

New

Submission Date Deadline 5/24/2021

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

Contract Terms/Conditions:

Party (Name/address):

NYS Office of Indigent Legal Services
Alfred E. Smith Building, 11th Floor
80 S Swan St, Suite # 1147
Albany, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$2,610,417

Scope of Services: Establishment of a model Family Representation Office to provide legal representation to parents in child protective proceedings under New York Family Court Act Article 10 and termination of parental rights proceedings.

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: 100%

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) 10/2021- 09/2024

Length of Contract: 3 years

Impact on Pending Litigation Yes No

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

Previous requests for Identical or Similar Action:

Resolution/Law Number: 2019-268

Date of Adoption: 07/08/2019

Justification: (state briefly why legislative action is requested)

The County Executive's Office, on behalf of the Public Defender, Alternate Public Defender, and Assigned Counsel Program, requests authorization to apply for the NYS Office of Indigent Legal Services (ILS)' Second Upstate Model Family Representation Office grant. This demonstration project seeks to create a client-centered, interdisciplinary, and holistic parental law office that provides parental representation and other wraparound legal and social services through all phases of a CPS (Child Protective Services) matter. The proposed Family Representation Office would follow the "family defense" model, in which attorneys, social workers, parent advocates, paralegals, investigators, and experts work as a team to help clients achieve overall permanency, reunification, and guardianship more quickly when appropriate. Implementation is expected to improve the overall quality of parental representation, and thus, outcomes for child welfare involved children - working to ensure that the level of trauma each family incurs via their contact with the child welfare system is minimized. There is no funding match or any other cost to the county to participate in this project.

New York State Office of Indigent Legal Services

Funding Announcement

Second Upstate Model Family Representation Office Grant

NYS Office of Indigent Legal Services Request for Proposals

The Office of Indigent Legal Services (Office) and nine-member Indigent Legal Services Board (Board) were created by legislation enacted in 2010, found in Executive Law Article 30, sections 832 and 833. As part of its statutory mission “to monitor, study and make efforts to improve the quality of services provided pursuant to Article 18-B of the county law,” the Office, operating under the direction and pursuant to policies established by the Board, assists county governments in the exercise of their responsibility to provide effective and meaningful representation of persons who are legally entitled to counsel but cannot afford to hire an attorney. The assistance provided by the Office and Board includes distributing state funds and targeting grants to counties in support of innovative and cost-effective solutions to enhance the quality of indigent legal services.

Timelines for This Request for Proposals

RFP Release Date	Tuesday, April 6, 2021
Questions Due By	Monday, April 19, 2021 5:00 p.m. EST (Q & A period closed)
Answers Posted By	Friday, April 30, 2021
Proposal Due Date	Monday, May 24, 2021 5:00 p.m. EST
Award Announcement	July 2021
Tentative Contract Start Date	October 2021

Intent of this Request for Proposals

The New York State Office of Indigent Legal Services (ILS) announces the availability of funds and solicits proposals from New York State **counties** for the establishment of a model Family Representation Office (the “Model Office”) in a county outside of New York City to provide legal representation to parents¹ in child protective proceedings under New York Family Court Act Article 10 and termination of parental rights proceedings (“state intervention cases”). **New York Counties, other than counties within New York City, are eligible to apply. Proposals**

¹ For ease of reference, in this RFP the term “parent” refers to a biological parent or other “legally responsible” person who is eligible for assigned counsel under New York Family Court Act § 262.

must be submitted by an authorized county official or designated employee of the governing body of the applicant county.²

The intent of this Request for Proposals (“RFP”) is to improve the quality of indigent legal services by establishing, in a county outside of New York City, a demonstration project which will implement standards and best practices in state intervention cases as embodied in ILS’ *Standards for Parental Representation in State Intervention Matters*.³

New York parents who cannot afford to hire a lawyer are constitutionally and statutorily entitled to publicly-funded legal representation in state intervention cases. *Matter of Ella B.*, 30 N.Y.2d 352 (1972); Family Court Act §§ 261, 262, and 1120; Surrogate’s Court Procedure Act § 407. The central goal of effective parent representation in these cases is to maintain children safely within their families and prevent unnecessary and damaging disruption of the parent-child relationship.⁴

In accordance with the *ILS Parental Representation Standards*, the defining feature of this demonstration project is implementation of client-centered, holistic, and interdisciplinary representation that addresses both the legal and social service issues confronting parents affected by the child welfare system, at all critical stages of their interaction with the system. This “family defense” model, in which attorneys, social workers, parent advocates, paralegals, investigators, and experts work as a team, is deemed a best practices approach by the Children’s Bureau of the United States Health and Human Services Department and the American Bar Association.⁵ The

² This grant may be used to benefit more than one county, with a single grantee county taking the lead position, upon the express agreement by the governing authority of the other county or counties to accept provision of the services by the grantee county as described herein.

³ *Standards for Parental Representation in State Intervention Matters*, New York State Office of Indigent Legal Services (effective December 2, 2015) (hereinafter *ILS Parental Representation Standards*), accessible at, <https://www.ils.ny.gov/node/210/parental-representation-standards>

⁴ Children’s Bureau, “Strengthening families through primary prevention of child maltreatment and unnecessary parent-child separation,” IM-18-05, (U.S. Department of health and Human Services, Administration for Children and Families) (November 16, 2018), <https://www.acf.hhs.gov/cb/resource/im1805>.

⁵ The federal government's indicators of whether parties are receiving "quality, effective representation" includes whether parents’ attorneys have access to "other multi-disciplinary professionals as partners, team members or employees such as social workers, investigators, Court Appointed Special Advocates (CASAs), etc." *Indicators of Quality Legal Representation*, Program Instruction ACYF-CB-PI-12-02, *Instructions for State Courts Applying for Court Improvement Program (CIP) Funds for Fiscal Years (FYs) 2012-2016*, Attachment B (Children's Bureau, U.S. Department of Health and Human Services, Administration for Children and Families (January 11, 2012), <http://www.acf.hhs.gov/sites/default/files/cb/pi1202.pdf>. See also American Bar Association *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*, Standard 26 ("Engage in case planning and advocate for appropriate social services using a multidisciplinary approach to representation when available."), http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/ABA-Parent-Attorney-Standards.authcheckdam.pdf, and *ABA National Project to Improve Parental Representation: An Investment That Makes Sense*, http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/At-a-glance%20final.authcheckdam.pdf. Most recently, in February 2019, the interdisciplinary approach was endorsed by the Family Justice Initiative, a collaboration of the ABA Center on Children and the Law, the Children’s Law Center of California (CLC), the Center for Family Representation (CFR), and Casey Family Programs (CFP), in *Attributes of High Quality Legal Representation for Children and Parents in Child Welfare Proceedings*, accessible at https://www.americanbar.org/content/dam/aba/administrative/child_law/fji-attributes-2018.pdf.

family defense model was endorsed by the NYS Unified Court System’s Commission on Parental Legal Representation.⁶ The commission was established by Chief Judge Janet DiFiore in February 2018 “to examine the current state of mandated Family Court representation and determine how best to ensure the future delivery of quality, cost-effective parental representation.”⁷ A central recommendation of its February 2019 Interim Report to Judge DiFiore is the creation of a statewide network of interdisciplinary law offices “to ensure the delivery of client-centered, interdisciplinary, holistic representation throughout the State.”⁸

The DiFiore Commission’s recommendation for statewide implementation of the interdisciplinary law office approach is underscored by a study of the family defense system operated by New York City.⁹ That study found that children whose parents received interdisciplinary law office representation achieved overall permanency, reunification, and guardianship more quickly than children whose parents did not receive this type of representation.¹⁰

Implementation of this demonstration project is expected to improve the overall quality of parental representation in the grantee county, and thus, outcomes for child welfare involved children. Furthermore, consistent with the DiFiore Commission’s recommendation, this project will provide an opportunity to explore the potential benefit of expanding a formalized law office structure for delivering interdisciplinary parental representation across the state.

Section I: Background

A parent’s interest in his or her child’s care and custody is one of the oldest and most fundamental liberty interests recognized by law.¹¹ Depriving a parent of the right to raise one’s child is “often . . .the more grievous” compared to a prison sentence.¹² The United States Supreme Court has emphasized that parents’ fundamental liberty interest in associating with and raising their children “does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family

⁶ Commission on Parental Legal Representation, *Interim Report to the Chief Judge*, at 16-23, New York State Unified Court System (hereafter the “DiFiore Commission Interim Report”) (February 2019), accessible at <http://www.nycourts.gov/ip/Parental-Legal-Rep/PDFs/InterimReport-FINAL.pdf>.

⁷ Janet DiFiore, Chief Judge of the State of New York Court of Appeals, Chief Judge of the State of New York, NYS Unified Court System, *The State of Our Judiciary 2018*, (February 6, 2018), accessible at <http://www.nycourts.gov/ctapps/news/soj2018.pdf>.

⁸ *DiFiore Commission Interim Report*, *supra* note 6 at 44.

⁹ The New York City interdisciplinary family defense model is described herein at 6-7.

¹⁰ L.A. Gerber, Y.C. Pang, T. Ross, et al., *Effects of an interdisciplinary approach to parental representation in child welfare*, *Children and Youth Services Review*, 42-55 (May 2019), accessible at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>.

¹¹ *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

¹² *Lassister v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

life.”¹³ Moreover, a child has her own legal interest and right to be raised within her family.¹⁴ Indeed, while the objective of CPS intervention is the protection of children thought to be abused or neglected, social science evidence suggests that children are better off with their families even in “marginal” cases where CPS investigators disagree about whether a child should be taken into state custody.¹⁵

Recognizing the need for a check on government interference with the fundamental liberty interests of family integrity and family autonomy, in 1972 the New York State Court of Appeals held that poor parents accused of child maltreatment by the government have a constitutional right to publicly-funded legal representation.¹⁶ Citing the “gross inherent imbalance of experience and expertise” between the State and an unrepresented parent, the *Ella B.* Court held that principles of fundamental fairness, due process, and equal protection require that a parent of limited means be given a publicly-funded lawyer when the State seeks to take that parent's child into protective custody. The Court stressed that “[a] parent's concern for the liberty of the child, as well as for his care and control, involves too fundamental an interest and right to be relinquished to the State without the opportunity for a hearing, with assigned counsel if the parent lacks the means to retain a lawyer.”¹⁷

In 1975, the New York State legislature codified the *Ella B.* decision in §§ 261 and 262 of the New York Family Court Act. Emphasizing the “fundamental interests and rights” implicated in various types of family law cases, the Legislature declared in Family Court Act § 261 that legal counsel is “indispensable” in ensuring the “practical realization of due process of law” and in assisting the court in making “reasoned determinations of fact and proper orders of disposition.” The courts have made it clear that the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings under the New York State Constitution is equally applicable in state intervention cases.¹⁸

¹³ *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

¹⁴ Assessing the private interests at stake in the fact-finding stage of a child protective case, the *Santosky* Court observed that “the State cannot presume that a child and his parents are adversaries,” and that, until the State proves parental unfitness, “the child and his parents share a vital interest in preventing erroneous termination of their natural relationship.” *Id.* at 760.

¹⁵ Joseph J. Doyle, Jr., *Child Protection and Child Outcomes: Measuring the Effect of Foster Care*, 97 *Amer. Econ. Rev.* 1583, 1584 (2007) (suggesting that “significant benefits from foster care placement . . . appear unlikely for children at the margin of foster care.”), accessible at http://www.mit.edu/~jdoyle/fostercare_aer.pdf; see also Joseph J. Doyle, Jr., *Child Protection and Adult Crime: Using Investigator Assessment to Estimate Causal Effects of Foster Care*, 116(4), *J. of Pol. Econ.* 746 (2008), accessible at http://www.mit.edu/~jdoyle/doyle_jpe_aug08.pdf.

¹⁶ *Matter of Ella B.*, 30 N.Y.2d 352 (1972).

¹⁷ *Id.* at 356-357 (cites omitted).

¹⁸ *Brown v. Gandy*, 3 N.Y.S.3d 486 (4th Dept. 2015) (“ . . . because the potential consequences are so drastic, the Family Court Act affords protections equivalent to the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings;” previous decisions requiring a showing of “actual prejudice to prevail on a claim of ineffective assistance of counsel under the New York Constitution” are no longer to be followed); see also *Matter of Jaikob O.*, 931 N.Y.S.2d 156 (3rd Dept. 2011); *Matter of Eileen R.*, 912 N.Y.S.2d 350 (3rd Dep’t 2010); *Matter of Alfred C.*, 655 N.Y.S.2d 589 (2^d Dept. 1997).

For CPS-involved parents, effective assistance of counsel can mean the difference between family preservation and the termination of parental rights, which some have called “the family law equivalent of the death penalty in a criminal case.”¹⁹ Given the complex dynamic of legal and social work issues involved, the American Bar Association and the federal Administration for Children and Families recognizes that an interdisciplinary approach is key to effective parental representation in state intervention cases.²⁰ Strongly endorsed by the DiFiore Commission for implementation statewide,²¹ interdisciplinary parental representation in state intervention cases is increasingly prevalent,²² and is the foundational component of this demonstration project.

In New York, interdisciplinary representation has long been recognized as essential for constitutionally effective parental representation. For example, in a 2000 report, *Justice Denied: The Crisis in Legal Representation of Birth Parents in Child Protective Proceedings*, the New York City Public Advocate argued that New York’s “statutory and constitutional duties of providing representation to indigent adults involved in Family Court matters” would be best met by establishing an interdisciplinary law office that would combine “accountability, specialization, social work support services and institutional resources.”²³ The report concluded that “[i]f parents have access to adequate representation, everyone will gain: money will be saved, Family Court will function more effectively, and children will receive the stability and permanence to which they are entitled.”²⁴ The Committee envisioned a model with “[s]taff attorneys who work in conjunction with parent advocates, paralegals or social workers who can

¹⁹ E.g., Stephanie N. Gwillim, *The Death Penalty of Civil Cases: The Need for Individualized Assessment and Judicial Education When Terminating Parental Rights of Mentally Ill Individuals*, 29 St. Louis U. Pub. L. Rev. 341 (2009) (citing *In re K.A.W.*, 133 S.W.3d 1, 12 (Sup. Ct., Mo. 2004); see also *In re Smith*, 77 Ohio A at 3d 1, 16 (1991) (“A termination of parental rights is the family law equivalent of the death penalty in a criminal case. The parties to such an action must be afforded every procedural and substantive protection the law allows.”))

²⁰ See, e.g., *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, at 10-11, United States Health and Human Services, Administration for Children and Families, Children’s Bureau (Information Memorandum ACYF-CB-IM-17-02, January 17, 2017) (hereinafter *High Quality Legal Representation*); *Indicators of Success for Parent Representation*, American Bar Association, Center on Children and the Law (2015) (hereafter *Indicators of Success*), accessible at http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf; *Instructions for State Courts Applying for Court Improvement Program (CIP) Funds, Fiscal Years 2012-2016*, at 7 and Attachment B, *Indicators of Quality Legal Representation*, U.S. Dep’t of Health and Human Services, Administration for Children and Families (2012); see also *ILS Parental Representation Standards*, *supra* note 3, Standard G (Model of Representation - Multidisciplinary Practice).

²¹ *DiFiore Commission Interim Report*, *supra* note 6, at 13-14.

²² Examples include the Vermont Parent Representation Center, Inc. (<http://vtprc.org/>); the Detroit Center for Family Advocacy (<https://www.law.umich.edu/centersandprograms/pcl/cfa/Pages/default.aspx>); the Family Defense Center (Chicago) (<http://www.familydefensecenter.net/>); the New Jersey Office of the Public Defender, Office of Parental Representation (<http://www.state.nj.us/defender/structure/opr/>); and the Washington State Office of Public Defense, Parent Representation Program (<http://www.opd.wa.gov/index.php/program/parents-representation>).

²³ Mark Green & Child Planning & Advocacy Now (C-PLAN), *Justice Denied: The Crisis in Legal Representation of Birth Parents in Child Protective Proceedings*, at 44-45 (May 2000) (hereinafter *Justice Denied*).

²⁴ *Id.* at 46.

educate and assist the parents.”²⁵ In 2001, the First Judicial Department’s Committee on Representation of the Poor echoed the *Justice Denied* report, observing that “the need for interdisciplinary services involving at least a social worker in addition to an attorney suggests that an institutional provider to represent parents in Family Court should be established.”²⁶

Observers have also noted the need for comprehensive, holistic advocacy for parents. As explained by the First Judicial Department Committee, “the need for more holistic representation is acute in the area of family law” because child welfare-involved families “often have other needs that affect their ability to resolve the Family Court proceedings successfully.”²⁷ The Committee proposed an institutional law office that would engage in legal and advocacy strategies beyond defending the allegations made against the parent. “To be truly effective, the institutional provider for parents should have the staffing capability to reach out to community services, mental health facilities, parent education, and drug counseling programs. It should also have access to other attorneys who could advise or represent parents in housing, public assistance, disability, and domestic violence problems.”²⁸

In the wake of similar calls for an institutional, interdisciplinary, and holistic approach to parental defense by legislators, court-appointed task forces, bar association committees, parents’ attorneys and others,²⁹ beginning in 2007 the New York City Mayor’s Office of Criminal Justice entered into multi-year contracts with several organizations.³⁰ Through these contracts, New

²⁵ *Id.* at 45.

²⁶ First Judicial Department Committee on Representation of the Poor, *Crisis in the Legal Representation of the Poor: Recommendations for a Revised Plan to Implement Mandated Governmentally Funded Legal Representation of Persons Who Cannot Afford Counsel*, at 12 (March 2001) (hereafter *Crisis in Legal Representation of the Poor*), accessible at http://www.courts.state.ny.us/press/old_keep/1AD-rep-poor.shtml.

²⁷ *Id.* at 14.; see also Roger L. Green and William L. Parment, *Legislative Report: Losing Our Children: An Examination of New York's Foster Care System*, New York State Assembly, Committee on Children and Families and Committee on Oversight, Analysis and Investigation (July 1999) (hereinafter *Losing Our Children*) (supporting funding for programs to provide "comprehensive representation" for parents including "legal assistance to help families with their housing, public assistance and domestic relations problems to alleviate any conditions which may have caused abuse or neglect.")

²⁸ *Crisis in Legal Representation of the Poor*, *supra* note 26, at 14.

²⁹ See, e.g., *Families in Limbo: Crisis in Family Court, Recommendations & Solutions*, Child Welfare Watch (Winter 1999); Sherie Bonstelle and Christine Schessler, *Adjourning Justice: New York State’s Failure to Support Assigned Counsel Violates the Rights of Families in Child Abuse and Neglect Proceedings*, 28 *Fordham Urb. L. J.* 1151 (2001) (hereinafter *Adjourning Justice*); Special Child Welfare Advisory Panel, *Advisory Report on Front Line and Supervisory Practice: Special Report On Family Court*, Annie E. Casey Foundation (2000), accessible at <http://files.eric.ed.gov/fulltext/ED439189.pdf> (hereinafter *Special Report on Family Court*); Julia Vitullo-Martin and Brian Maxey, *New York Family Court: Court User Perspectives*, Vera Institute of Justice (January 2000), accessible at <http://www.vera.org/sites/default/files/resources/downloads/nyfamilycourt.pdf>; Beth Harrow and Sue Jacobs, *Report of the Parent Representation Working Group*, 70 *Fordham L. Rev.* 399 (2001); see also Ann Moynihan, et. al, *Foreword, Fordham Multidisciplinary Conference - Achieving Justice: Parents and the Child Welfare System*, 70 *Fordham L. Rev.* 287, 309-313 (2001).

³⁰ Heather Appel, *New Influx of Lawyers Coming to Family Court*, *City Limits*, April 16, 2007, accessible at <http://citylimits.org/2007/04/16/new-influx-of-lawyerscoming-to-family-court/>; Testimony of John Feinblatt, New York City Criminal Justice Coordinator, before the City Council, City of New York, Committee on General Welfare (Hearing Transcript, January 11, 2007, at 13-14) (noting issuance of RFP by NYC and awards to legal services providers of contracts that require both legal and social services for parents), accessible at

York City has institutionalized an interdisciplinary model of family defense, including social workers, paralegals, investigators, experts and parent advocates working alongside parent attorneys.³¹ Currently, the Center for Family Representation, Inc., Brooklyn Defender Services, the Bronx Defenders, and the Neighborhood Defender Service of Harlem are the primary providers for the majority of state intervention cases in New York City.³²

Consistent with its statutory requirement to improve the quality of legally mandated public defense services throughout the state, the Office of Indigent Legal Services seeks to refine and evaluate the efficacy of the interdisciplinary law office approach to parent representation outside of New York City. As described below, this approach is complemented by an emphasis on timely access to counsel, starting with representation during CPS investigations and ensuring that parents have counsel at their first appearance in court. The project establishes reasonable caseload caps to ensure Model Office staff have the time necessary to provide high quality representation in accordance with prevailing standards and best practices.³³

A. Interdisciplinary and Holistic Representation

Interdisciplinary representation: Child welfare cases are complex, involving multiple and intertwined legal and social issues. The stress experienced by parents and families entangled in the child welfare and family court systems is exacerbated by the highly compressed, federally mandated deadline by which a child welfare agency must initiate a termination of parental rights proceeding.³⁴ Such multifaceted pressures demand a multifaceted approach.

This RFP therefore contemplates an interdisciplinary team approach in which a lawyer and social work staff work (social worker, parent advocate) help parents navigate the demands of the child welfare and court systems.³⁵ The lawyer will provide expert legal advocacy, both in and out of

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=446645&GUID=58889C26-F4EB-41FD-9C85-BBB1F960475E&Options=&Search=>.

³¹ The City of New York Criminal Justice Coordinator's Office, *Request for Proposals for Indigent Family Court Legal Services for Respondents in Article 10 Cases* (2007) (on file with ILS).

³² See [Report on the Fiscal Year 2015 Executive Budget for the Mayor's Office of Criminal Justice](http://council.nyc.gov/downloads/pdf/budget/2015/15/eb/cjc.pdf), The Council of the City of New York (May 20, 2014), accessible at <http://council.nyc.gov/downloads/pdf/budget/2015/15/eb/cjc.pdf>.

³³ See *DiFiore Commission Interim Report*, *supra* note 6 at 34-39 (recommending a caseload cap of no more than 50-60 pending clients for parental representation attorneys, and discussing problems associated with excessive caseloads, including inadequate representation; denial of parents' due process rights; and interference with "judges' ability to make fully informed, just decisions for families.")

³⁴ With certain exceptions, child welfare agencies must initiate a termination of parental rights proceeding once a child has been in foster care for 15 of the previous 22 months. N.Y. Soc. Services Law §384-B(1)(i) (enacting provisions of the federal Adoption and Safe Families Act of 1997, 42 U.S.C. § 675(4)(E)).

³⁵ See *ILS Parental Representation Standards*, *supra* note 3, Standard G (Model of Representation - Multidisciplinary Practice); see generally Martin Guggenheim and Susan Jacobs, *A New National Movement in Parent Representation*, Clearinghouse Review, Journal of Poverty Law and Policy, Vol. 47, at 36-46 (May-June 2013); University of Michigan Law School, *Detroit Center for Family Advocacy Pilot Evaluation Report, 7/2009-6/2012*, p. 2 (February 2013); see also Vermont Parent Representation Center, Inc., *Program Model*, <http://vtprc.org/program-model/>; Diane Boyd Rauber, *From the Courthouse to the Statehouse: Parents as Partners in Child Welfare*, Child Law Practice, Vol. 28, No. 10 (American Bar Association, December 2009) (describing

court, and will guide the parent through negotiation and decision-making in relation to the complex laws and procedures governing the legal case. As described in the next section (Holistic Representation), the lawyer will also coordinate legal representation for the parent on related issues that may impact the family’s ability to maintain a child safely within his or her family.

The social worker will assess the strengths and needs of the parent and the family, provide case and crisis management, and work to access appropriate supports and resources to meet parent objectives. The parent advocate – a parent who has successfully navigated the child welfare system – will provide peer-to-peer support; accompany the parent to meetings; assist with interactions with system actors, as needed; and support the parent’s productive engagement with supportive programs.

Holistic representation: Allegations of child maltreatment are commonly precipitated by or intertwined with family circumstances and challenges related to other legal issues, including, for example, housing, paternity, child support, domestic violence, and divorce. Criminal justice involvement, poverty-related issues such as lack of access to childcare and medical services, and mental health or addiction challenges may impact a parent’s ability to safely keep or regain custody of a child. Likewise, immigration status may threaten the autonomy and integrity of families involved in the child welfare system.³⁶ Thus, in addition to providing direct legal services in the state intervention case, the Model Office will be expected to provide or coordinate legal representation in collateral legal and administrative proceedings that may affect family unity.³⁷

On-going community engagement, including the development of a comprehensive understanding of community strengths, resources, needs, and challenges, is an essential component of holistic representation. Consequently, this RFP contemplates that Model Office staff will engage in community education, outreach, and collaboration with individuals and organizations, including other mandated legal representation and civil legal services providers, to identify and address systemic issues affecting families involved with or at risk of CPS involvement.

parent advocate programs operating around the country), *accessible at* http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/parentpartner1.pdf; Diane Boyd Rauber, *Working With Parent Partners to Achieve Better Case Outcomes for Families*, Child Law Practice, Vol. 28, no. 11 (American Bar Association, January 2010) (providing suggestions to parents’ attorneys for working with parent advocates and parents), *accessible at* http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/parentpartner2.pdf.

³⁶ *E.g.*, New York State Unified Court System Advisory Council on Immigration Issues in Family Court, *Adverse Consequences to Family Court Dispositions*, (October 2017) (providing “guidance to New York Family Court practitioners and jurists in understanding possible adverse immigration consequences resulting from dispositions, rulings, findings and orders that are commonly issued in family court matters.”) *accessible at* <http://nycourts.gov/ip/Immigration-in-FamilyCourt/publications&materials.shtml>; U.S. Immigration and Customs Enforcement (ICE), *Detention and Removal of Alien Parents or Legal Guardians* (“Detained Parents Directive”) (providing guidance regarding the detention and removal of parents and legal guardians of a minor child(ren), including those who have a direct interest in family court or child welfare proceedings in the United States), *accessible at* <https://www.ice.gov/parental-interest>; *see also* *Immigration and Child Welfare*, Child Welfare Information Gateway, *accessible at* <https://www.childwelfare.gov/pubPDFs/immigration.pdf>.

³⁷ *See ILS Parental Representation Standards, supra* note 3, Standard H (Breadth of Representation).

B. Timely Access to Counsel

The child welfare system’s goal of keeping families together is best served when parents, children, and the child welfare agency are represented from the earliest stages of a CPS matter. Federal guidelines advise states to provide representation for all parties “very early in the State intervention process, but no later than the point at which legal proceedings are initiated.”³⁸

Timely access by parents to legal representation promises many benefits. As noted by the DiFiore Commission, “Giving parents representation when it matters – before they appear in court – is consistent with principles of equal protection and due process; can prevent unnecessary and prolonged separation of children from their parents; and can mitigate the disruption and trauma that accompanies State intervention into the family. Timely access to counsel may also help reduce the disproportionate percentage of children of color in New York’s foster care system.”³⁹ Other benefits include timely and appropriate permanency decisions for children, and conservation of agency and judicial resources.⁴⁰

Currently, parents of limited means in New York do not receive public legal representation during CPS investigations. In fact, the DiFiore Commission found that they “sometimes are not provided with legal representation at critical stages when it is constitutionally promised – during court hearings at which a judge decides whether to remove a child into government custody or to continue an extrajudicial CPS removal that has already occurred.”⁴¹ The lack of timely representation for parents often results in unnecessary separation of children from their families.⁴²

As a matter of course, the child welfare agency has legal representation from the inception of its investigation into a family. Children are also guaranteed timely legal representation in state intervention proceedings, as New York law requires appointment of an attorney for a child at the earliest occurrence of: the court receiving notice of an extra-judicial emergency removal; the filing of an application for a pre-petition order of removal; or the filing of a petition alleging abuse or neglect.⁴³

³⁸ Donald N. Duquette and Mark Hardin, *Adoption 2002: The President’s Initiative on Adoption and Foster Care: Guidelines for Public Policy and State Legislation Governing Permanence for Children*, p. VII-1 (U.S. Dep’t of Health and Human Services, Administration for Children and Families, Children’s Bureau (June, 1999), accessible at <http://archive.org/details/guidelinesforpub00duqu> (“ACF Guidelines”).

³⁹ *DiFiore Commission Interim Report*, *supra* note 6, at 16.

⁴⁰ United States Administration for Children and Families, *High Quality Legal Representation*, *supra* note 20, at 6-7.

⁴¹ *DiFiore Commission Interim Report*, *supra* note 6, at 17-18.

⁴² See, e.g., Yasmin Khan, “Family Separations in Our Midst,” WNYC, April 17, 2019, accessible at <https://www.wnyc.org/story/child-removals-emergency-powers/> (“When the city removes a child without any court process . . . the city bypasses protections afforded by due process, namely legal representation. Parents and children do not get access to an attorney until a case is filed in family court, unless they can afford to hire one.”)

⁴³ NY Family Court Act § 1016.

In contrast, a parent is typically advised of the right to a publicly-funded lawyer only when he or she “first appears in court.”⁴⁴ As a result, many parents do not have legal representation until days, weeks, or sometimes months after having their children taken into state custody.⁴⁵ As stressed many years ago in a highly influential New York State Senate committee report, “a number of highly significant events occur prior to the initial appearance and prior to the initial appointment of representation for the respondent. All of these events occur on an ex parte basis and many of the events are of a magnitude to shake the family structure of the respondent.”⁴⁶ As detailed below, this RFP therefore contemplates that Model Office staff will represent clients from the earliest point possible and continuously throughout the duration of the parent’s involvement with CPS.

Investigation Representation. Child welfare agencies are prohibited from forcibly taking children into custody without a court order unless there is an “imminent danger to the child’s life or health.”⁴⁷ Unfortunately, experience has shown that agencies too often wield their emergency removal power in situations where such drastic state action is unnecessary,⁴⁸ and without first attempting to address the issues that brought the family to the agency’s attention.⁴⁹ Access to

⁴⁴ Family Ct. Act § 262. “Parents must appear at court in order to have an attorney assigned. (Thus, for example, a parent who does not appear the day after a child is removed, and therefore is not provided with an attorney, is unlikely to learn that she has a right to demand a hearing to review the removal.)” *Special Report on Family Court, supra* note 29, at 46.

⁴⁵ Jules Kerness and Constance R. Warden, *Child Protection and the Family Court: A Study of the Processes, Procedures, and Outcomes Under Article Ten of the New York Family Court Act*, at 131-132, New York State Senate Standing Committee on Child Care, (Sen. Mary Goodhue, Chair) (National Center on Child Abuse and Neglect, December 1989) (hereinafter the *1989 Article Ten Study*), accessible at <https://www.ncjrs.gov/pdffiles1/Digitization/126665NCJRS.pdf>.

⁴⁶ *Id.* at 131-132 (emphasis added). This Study led to the enactment in the 1990 legislative session of a consolidated 17 bill package addressing child abuse and neglect proceedings in New York State family courts. These new laws “were the result of the committee’s federally funded 1988-89 study of 500 Family Court case histories . . . Important elements of the package include authority for comprehensive law guardian representation of abuse children, thorough monitoring of implementation of Family Court orders, and clear standards for supervision of abused children and their families.” *1990 Annual Report of the New York State Senate Standing Committee on Child Care*, p. 2, accessible at <https://www.ncjrs.gov/pdffiles1/Digitization/129495NCJRS.pdf>. “The conclusions of the study were dramatic and sobering: children and their parents often are denied important due process protections in child abuse proceedings; child protective agencies charged with assisting and monitoring the conduct of abusive families cannot fully perform their duties, and, most important, family court orders in abuse and neglect proceedings are rarely monitored by the court . . . Implementation of the new laws will mean that courts as well as the Child Protective systems will have an enhanced capacity to ensure that children are protected and that families receive needed services.” *Id.* at 6-7.

⁴⁷ Family Ct. Act § 1024(a).

⁴⁸ See, e.g., Vivek Sankaran & Christopher Church, *Easy Come, Easy Go: The Plight of Children Who Spend Less Than Thirty Days in Foster Care*, 19 U. Pa. L. J. & Soc. Change 205 (2016); *An Examination of the Child and Family Services Agency’s Performance When it Removes Children from and Quickly Returns them to their Families: Findings and Recommendations from the Citizens Review Panel*, The District of Columbia Citizen Review Panel, September 2011, accessible at http://www.dc-crp.org/Citizen_Review_Panel_CFSA_Quick_Exits_Study.pdf; Kerness & Warden, *1989 Article Ten Study, supra* note 43 at 58-80, 88-93; Green & C-Plan, *Justice Denied, supra* note 21, at 4.

⁴⁹ See, e.g., Special Child Welfare Advisory Panel, *Special Report on Family Court, supra* note 29, at 47.

counsel during a CPS investigation provides parents a safeguard against unwarranted government interference in family autonomy.⁵⁰

Members of the New York State judiciary, the New York State Bar Association, and, most recently, the DiFiore Commission on Parental Legal Representation have recognized the need for state-financed representation for individuals during government investigations.⁵¹ The federal Children’s Bureau, which oversees funding to states for their child welfare activities, issued an Information Memorandum on January 14, 2021 emphasizing the value of legal representation for parents before a child protective services agency initiates a court proceeding.⁵² Investigation representation not only helps avoid unnecessary child removals: it can save significant amounts of taxpayer money that would otherwise be spent on the most expensive child welfare intervention - foster care.⁵³

Thus, in accordance with prevailing standards and best practices, the Model Office will be expected to provide representation to parents during CPS investigations.⁵⁴ Clients needing assistance may be identified through walk-ins, an in-house Helpline, referrals from criminal defense or civil legal services providers, community-based organizations or service providers,

⁵⁰ See *ACF Guidelines*, *supra* note 38, at VII-8 (“A danger exists in child protection cases that personal rights of parents and children will be infringed in the well-intentioned zeal to help children and parents. Even before an attorney is appointed to represent the parents, government intervention in the family may have been initiated that has not been reviewed by any court or magistrate. The goals of the child protection system do not alter the need to recognize and respect the personal integrity and autonomy of parents. Protective State intentions do not justify any relaxation of legal safeguards or procedural protections for parents or children.”)

⁵¹ See *DiFiore Commission Interim Report*, *supra* note 6 at 16-23 (Recommending that “parents be timely provided with relevant information about the right to counsel, and that parents be granted access to counsel during a child protective agency investigation and sufficiently in advance of the first court appearance.”); First Judicial Department Committee, *Crisis in Legal Representation of the Poor*, *supra* note 26, at 14 (“While there may be difficult administrative issues for compensating assigned counsel for pre-arrest representation, an effort should be made, perhaps through a resource center or a referral mechanism, to make pre-arrest representation generally available to indigent persons.”); Committee to Ensure the Quality of Mandated Representation, *2015 Revised Standards for Providing Mandated Representation*, New York State Bar Association, Standard B (“Effective representation should be available for every eligible person whenever counsel is requested during government investigation or when the individual is in custody. Provision of counsel shall not be delayed while a person’s eligibility for mandated representation is being determined or verified.”).

⁵² Children’s Bureau, *Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, pp. 7, 10-11 (making clear that federal funding for legal representation of parents under title IV-E of the Social Security Act is available for allowable activities related to legal representation of parents “prior to court involvement, including prior to the filing of a petition to remove a child”), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>.

⁵³ See, e.g., Vivek Sankaren, *Using Preventive Legal Advocacy to Keep Children from Entering Foster Care*, 40 Wm. Mitchell L. Rev. 1036 (2014), *accessible at* <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1946&context=articles>.

⁵⁴ See *ILS Parental Representation Standards*, *supra* note 3, Standard I, Representation prior to court intervention; see also American Bar Association, *Standards of Practice for Attorneys Representing Parents in Child Abuse and Neglect Cases*, Standard 4 (2006) (describing goals of pre-petition representation), *accessible at* http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf.

arrangements with the Family Court and/or the child welfare agency, or other means of connecting with parents at risk of CPS intervention.⁵⁵ The local child welfare agency may appreciate the value of legal representation for parents during an investigation, and may agree to refer parents in need of such representation to the Model Office.⁵⁶ However, interested applicants are not required to secure any promises or cooperation agreement from CPS to be awarded this grant.

As previously mentioned, any number of circumstances or conditions may affect a parent's ability to maintain a child safely in the home (*e.g.*, homelessness, inadequate or unsafe housing conditions, domestic violence, addiction or mental health challenges, etc.),⁵⁷ and some populations may be particularly vulnerable to CPS intervention (for example, mothers of newborns who test positive for drugs).⁵⁸ In all cases, the goal of investigation representation by the Model Office will be to prevent unnecessary removals and to assist the parent to obtain necessary and appropriate services that will keep the family together safely.⁵⁹

Model Office staff will advise and counsel parents about the exercise of their rights during a CPS investigation and provide or coordinate legal representation on matters affecting the child's safety and the family's stability. The staff may provide other types of assistance, as appropriate, including: preparing the parent for and/or accompanying the parent at CPS interviews and

⁵⁵ *Indicators of Success*, *supra* note 18, at 9-10 ("In some jurisdictions attorney referral might be based on cases deemed "high risk" but where safety is currently controlled. This may be based on agency safety/risk assessment tools. Cases may also be assigned to attorneys when particular risk categories are established where a parents' attorney may be helpful in preventing removal by dealing with legal issues that might impact the parent's ability to keep children at home, for example, legal assistance for special education, housing, or relative custody.")

⁵⁶ For example, through a collaboration with the Wayne County, Michigan Department of Human Services and the Juvenile Court, between July 2009 and June 2012, the Detroit Center for Family Advocacy (CFA) represented parents in "preventive cases," the goal of which was to "eliminate legal barriers that would allow a child to safely remain within the family, thereby diverting foster care placement." Nearly 90 percent of CFA's referrals for preventive cases came directly from the Michigan Department of Human Services, and CFA achieved its legal objectives in 98.2 percent of cases. None of the children whose parents were represented by CFA entered foster care. Detroit Center for Family Advocacy, *Promoting Safe and Stable Families*, accessible at <https://artscimedia.case.edu/wp-content/uploads/sites/35/2014/02/14194055/CFAReport.pdf>. Another example of collaboration between a local CPS agency and parental representation provider is the Family Preservation Project of the Neighborhood Legal Services Program, Washington, D.C., which was established with a grant from the District of Columbia Child and Family Services Agency (CFSA). The program provides "critical legal advocacy to low-income families at risk of entering the abuse and neglect system and potentially having a child removed from the home." Family Preservation Project of the Neighborhood Legal Services Program, Washington, D.C. (April 10, 2014), <http://www.nlsp.org/resource-center/news/family-preservation-project>. See "NLSP Announces Family Preservation Project," April 10, 2014, accessible at <http://www.nlsp.org/resource-center/news/family-preservation-project>.

⁵⁷ See, *e.g.*, Robbin C. Pott, *The Detroit Center for Family Advocacy: A Call for Replicating an Effective Model*, American Bar Association (January 14, 2014), accessible at <http://apps.americanbar.org/litigation/committees/childrights/content/articles/winter2014-0114-detroit-cfa-replicating-effective-model.html> and the Family Preservation Project of the Neighborhood Legal Services Program, Washington, D.C. (April 10, 2014), <http://www.nlsp.org/resource-center/news/family-preservation-project>.

⁵⁸ See, *e.g.*, Vermont Parent Representation Center, <http://vtprc.org/>; The Bronx Defenders, Family Defense Practice, <http://www.bronxdefenders.org/our-work/family-defense-practice/>.

⁵⁹ See *ILS Parental Representation Standards*, *supra* note 3, Standard I (Representation prior to court intervention).

meetings; advising and counseling the parent regarding voluntary placement of the child with relatives or other suitable caretakers; and advocating for reasonable and realistic service plans.⁶⁰

Court Action Representation: Access by an accused parent to meaningful legal representation in advance of the first court appearance is crucial to effective representation.⁶¹ At the hearing after a child has been involuntarily removed from his or her family, a judge must decide the critical question of whether, based on evidence presented, there is an “imminent risk” to a child’s life or health to justify the removal. This hearing is a “critical stage” of state intervention litigation.⁶² Model Office staff will therefore be expected to meet with clients sufficiently in advance of such hearings, and actively participate in the hearings as necessary to protect the parent's interests and advance the parent's goals.⁶³

To ensure timely access to counsel for parents, Model Office representation of clients will begin as soon as possible. Because a poor person's right to counsel in Family Court matters is not contingent upon a judge’s order of appointment,⁶⁴ Model Office staff will represent a client upon its own determination that the person is financially eligible for representation.⁶⁵

⁶⁰ See Trine Bech and Mark Briggs, et al., *The Importance of Early Attorney Involvement in Child Welfare Cases: Representation of Parents in Pre-Petition Proceedings*, at 4 (American Bar Association Second National Parents' Attorney Conference, July 2011) (accessible at http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation/conference_materials.html) see also Elizabeth Fassler and Wanjiro Gethaiga, *Representing Parents During Child Welfare Investigations: Precourt Advocacy Strategies*, 30 Child Law Practice 2, American Bar Association (April 2011) (accessible at <https://www.cfrny.org/news-blog/original-publications/>).

⁶¹ United States Administration for Children and Families, *High Quality Legal Representation*, *supra* note 20, at 6-7.

⁶² *ACF Guidelines*, *supra* note 38, at 101.

⁶³ *ILS Parental Representation Standards*, *supra* note 3, Standard K (Preliminary Court Proceedings).

⁶⁴ In recognition of the need for timely access to counsel for child-welfare involved parents, the DiFiore Commission Interim Report recommends “that standards for determining eligibility in Family Court matters include a rebuttable presumption of eligibility for counsel for all parents involved in child welfare proceedings, whether a petition has been filed, or the parents are being investigated by CPS and a petition has not yet been filed.” *DiFiore Commission Interim Report*, *supra* note 6 at 32. See also *ILS Parental Representation Standards*, Standard 5 (requiring attorneys and programs to provide representation “for every eligible person at the earliest possible time and begin advocating for every client without delay, including while client eligibility is being determined or verified.”); New York State Bar Association Revised Standards for Providing Mandated Representation (2015), Standard B (Early Entry of Representation) (“Systematic procedures shall be implemented to ensure that prompt mandated representation is available to all eligible persons, particularly those held in detention facilities and where a child has been removed by a governmental agency from the person’s home.”). See also *People v. Rankin*, 998 N.Y.S.2d 573, 802 (County Court, Monroe County, 2014) (“New York State Bar Association Revised Standards for Providing Mandated Representation], applicable to all attorneys tasked with representing indigent individuals, demonstrate, objectively, that effective representation for indigent individuals entails representation without delay pending the judge's eligibility determination . . . there is no scenario under which indigent individuals would not be afforded an impaired quality of representation where the Public Defender's function as counsel is effectively disabled pending receipt of a judge's order of appointment.”)

⁶⁵ *ILS Parental Representation Standards*, *supra* note 3, Standard I-5 (Assignment as soon as possible); see also *ACF Guidelines*, *supra* note 38, at 107-109.

In sum, to ensure that parents' rights and interests are protected, and that the attorney has the best opportunity to provide meaningful and effective assistance of counsel, this RFP contemplates that the Model Office will determine and refine mechanisms to ensure that parents have access to counsel from the earliest stages of a state intervention case, including during a CPS investigation; upon notice to the Family Court of an imminent or actual extra-judicial removal of a child by the agency; upon the filing of an application by the agency requesting an order of removal; and, at the very latest, upon the filing with the court of a petition alleging abuse or neglect.

C. Reasonable Attorney Caseloads

Noting that its “vision for transforming parental representation in New York cannot be accomplished without sound caseload standards,” the DiFiore Commission pointed out in its February 2019 Interim Report that “[u]manageable caseloads often prevent attorneys from carrying out even basic lawyering tasks, with negative effects on the attorney-client relationship, judicial case management and decisions-making, and outcomes for children.”⁶⁶

Caseload limits are essential to enable attorneys to comply with their full ethical responsibilities. State intervention matters are complicated and labor intensive. Contributing factors include multiple, sometimes geographically dispersed parties; multiple attorneys; expert witnesses; complex substantive law; procedural complexity; and extensive discovery. They generally require more court appearances; interim appeals may be necessary in some matters; and very often other proceedings such as custody, guardianship, family offense or paternity proceedings may be initiated during the pendency of the case, further complicating the representation. Because significant social supports and related legal issues often must be addressed, effective parental representation demands active in-court and out-of-court advocacy, and regular communication with the client, family members, and other professionals.

This RFP therefore contemplates an office average of no more than 50 clients per attorney at any given time.⁶⁷ This flexible range reflects an understanding that the workload of individual attorneys will vary depending on such things as the attorney's experience and expertise; differences among the types, complexity, and duration of cases comprising the workload of the office; and the number of active cases in the office. Other factors may also affect workloads, such as the level of activity required at different phases of a case; the availability of multidisciplinary professionals; representation of clients on collateral issues; and engagement in

⁶⁶ *DiFiore Commission Interim Report*, *supra* note 6 at 35; *see also* United States Administration for Children and Families, *High Quality Legal Representation*, *supra* note 20, at 8-10; New York State Office of Indigent Legal Services, *Standards and Criteria for the Provision of Mandated Representation in Cases Involving a Conflict of Interest*, Standard 2 (“Counties must ensure . . . that attorneys and programs providing mandated legal services . . . [m]aintain . . . manageable workloads that ensure the capacity to provide quality representation.”); American Bar Association, *Ten Principles of a Public Defense Delivery System*, Principle Five (2002)(“Defense counsel’s workload is controlled to permit the rendering of quality representation.”); and the New York State Bar Association’s Committee to Ensure Quality of Mandated Representation, *Revised Standards for Providing Mandated Representation* (2015), Standard G-1 (“To permit counsel to satisfy their ethical obligations to their clients, every institutional provider of mandated representation and every assigned counsel plan shall establish workload limits for individual attorneys.”), *accessible at* <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=44644>).

⁶⁷ *See ILS Parental Representation Standards*, *supra* note 3, Standard D (Resources).

community and professional activities.⁶⁸ As such, the grantee of this RFP will establish protocols to ensure that the average Model Office caseload does not exceed 50 clients per attorney at any given time.

Section II: Project Description – What is this RFP seeking to achieve?

The superior effectiveness of client-centered, interdisciplinary, and holistic parental representation has been amply demonstrated in New York City and elsewhere. The New York State Unified Court System’s Commission on Parental Legal Representation, convened by Chief Judge Janet DiFiore, wholeheartedly endorses statewide implementation of this model. This demonstration project, with implementation of the approach by the state for the second time in a county outside of New York City, will allow for assessment of its potential for replication and sustainability statewide, as recommended by the DiFiore Commission on Parental Legal Representation. Successful implementation of this project requires fidelity to the core concepts of holistic, interdisciplinary, and timely representation as detailed herein. This RFP therefore solicits proposals for interdisciplinary law office parental representation throughout all phases of a CPS matter.

The grantee will consult with ILS staff regarding hiring, assessment of the need for technical assistance, and identification of providers for consultations, trainings and/or workshops about special issues such as interdisciplinary team dynamics, investigation representation, parent engagement, community outreach, and reunification advocacy, as well as administrative, operational, informational systems, and/or fiscal management.

Proposals must be developed in consultation with representatives of each County Law Article 18-B Family Court mandated representation provider in the applicant's county, including the person with administrative responsibility for overseeing the county’s Assigned Counsel Plan.

No county may submit more than one proposal.

Proposals that rely on statutory changes for their implementation will not be funded.

Proposed projects must comply with New York County Law 18-B, Section 722.

Proposals that involve a Child Protection Services agency in the operation or oversight of the implementing agency or organization under this award will not be funded.

Section III: Funding and Contract Period

The total available funds for award are \$2,610,417 (\$870,139 per year for each of three years). Not more than one award will be made by the Office. The selected applicant is **not** guaranteed the entire amount requested.

⁶⁸ See e.g., Workload of the Attorney for the Child, Rule 127.5, Rules of the Chief Administrative Judge, New York State Unified Court System, Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts, accessible at <https://www.nycourts.gov/rules/chiefadmin/127.shtml#05>.

The grant will be issued for a period of three years. The Office reserves the right to reduce the award amount of any application based on reasons that include but are not limited to: cost effectiveness and reasonableness of proposed budget, demonstrated need, or inconsistent appropriation levels.

Section IV: Who is Eligible to Apply for this Request for Proposals

Only New York State counties, other than counties within New York City, are eligible to apply. Proposals must be submitted by an authorized county official or designated employee of the governing body of the applicant county. There is no funding match or any other cost to the county to participate in this project.

Section V: Instructions for Completing this Request for Proposals

The RFP is available online at <https://www.ils.ny.gov/node/224/pending-rfps> (hit: Ctrl + (right) Click to follow link or copy and paste link into your web browser). Requests for the RFP may be made by e-mail to Jessica.Bogran@ils.ny.gov or by telephone at (518) 935-7868.

No responses will be provided to inquiries made by telephone other than to request a copy of this RFP.

RFP Questions and Updates

Questions or requests for clarification regarding the RFP should be submitted via email, citing the RFP page and section, by Monday, April 19, 2021, by 5:00 pm Eastern Standard Time (EST) to QA@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook).

No responses will be provided to inquiries made by telephone other than to request a copy of this RFP.

Questions will not be accepted orally.

Questions received after 5:00 pm EST the date of the deadline will not be answered.

When corresponding by e-mail, clearly indicate the subject as: “Second Upstate Model Family Representation Office RFP”. The name of the party submitting the question will not be posted.

Questions and answers will be posted on the “*Questions Posted By*” date as stated on the cover of this RFP (Friday, April 30, 2021) at the following URL webpage address: <https://www.ils.ny.gov/node/224/pending-rfps> (hit: Ctrl + (right) Click to follow link or copy and paste link into your web browser).

Instructions for Completing this Request for Proposals

Application Submission (*mail, email, or hand delivery*).

All submissions must contain the complete application.

All applications must be received by Monday, May 24, 2021 by 5:00 p.m. EST. Late applications will not be considered.

If submitting an application by mail or hand delivery, this RFP requires the submission of **one (1) original, and four (4) copies (for a total of five)**.

Applications must be delivered to:

By mail: Jennifer Colvin, Grants Manager
Office of Indigent Legal Services
Alfred E. Smith Bldg., 11th Floor
80 South Swan Street
Albany, NY 12210

Hand delivery: *Please call the Office of Indigent Legal Services in advance to arrange for building security clearance (518-486-2028 or 518-486-9713).*

Office of Indigent Legal Services
Alfred E. Smith Building (*directly behind the State Capitol Building*)
11th Floor, Suite 1147
80 South Swan Street
Albany, NY 12210

Electronic applications: Electronic applications will be accepted.

Electronically submitted proposal applications must be submitted to RFP@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook). All required documents or attachments must be included in the electronic submission.

Indicate in the *Subject* area of the electronic transmission that the submission is for the “Upstate Model Family Representation Office Grant”.

After you submit your application at RFP@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook), you will receive an e-mail confirming receipt of the application. If you do not receive an e-mail confirming receipt, contact Jennifer Colvin at (518) 486-9713.

Application Format:

The following components must be included in the application for the submission to be complete:

1. Project Summary (not more than two (2) pages in length)
2. Proposal Narrative (not more than twenty-five (25) pages in length)
3. Budget and Justification (See Attachment A of this RFP)

Applications must be received by Monday, May 24, 2021 by 5:00 p.m. Eastern Standard (EST). Late applications will not be considered.

Only complete applications will be reviewed and evaluated.

Section VI: Proposal Application

A. PROJECT SUMMARY (not scored): Provide a summary of your proposal which includes the information listed below. **To ensure uniformity, please limit the length of this summary to no more than two (2) double-spaced pages, with margins of 1 inch on all sides, using no less than a 12-point font.**

1. Identify the requesting county.
2. Identify the authorized county official or designated employee of the applicant county's governing body to whom notification of a grant award shall be sent. Please include contact information: name, title, phone number, address, and email address.
3. Fiscal intermediary name and address (identify the department and/or individual responsible for fiscal reporting for this project).
4. Name of contact person, telephone, fax, and email for the lead county representative who will be responsible for overseeing the administration of the grant and its reporting requirements.
5. Amount of funding requested.
6. A concise summary describing the proposed project (i.e. goal(s), objectives, overall approach, significant partnerships, anticipated outcomes, etc.).
7. A description of the extent to which the leader of each provider of Family Court representation under Article 18B of the County Law was consulted in developing the proposal, and the methods used for consulting with each (e.g., telephone, email, etc.).
8. A description of the extent to which other stakeholders (e.g., Family Court, local department of social services, civil legal services providers, etc.) were involved in developing the proposal.
9. Describe the nature of any commitment by other agencies, entities, or organizations to cooperate in the implementation of this project. Provide documentation of any such commitment, if available.

B. PROPOSAL NARRATIVE (200 total points)

Provide a clear, concise narrative addressing the following questions. Answer all questions in the order in which they are presented. Please do not submit any information not specifically requested. **Please limit the length to no more than 25 (twenty-five) double-spaced pages, with margins of 1 inch on all sides, using no less than a 12-point font.**

I. PLAN OF ACTION (160 points)

Organizational Infrastructure, Personnel and Start-up Activities (28 points)

1. State the name and provide a description of the entity that will be responsible for providing the services described in this RFP (the “proposed provider”). **(2 points)**
2. State the location of the daily operations of the project and how these operations will be supported and supervised. If a site for the project is not yet secured, specifically address how space for the project will be secured prior to the contract start date. **(2 points)**
3. If the proposed provider is an existing entity, explain how the activities and services described in this RFP will fit into the proposed provider's present organizational infrastructure. **(2 points)**
4. Describe: **(a)** the personnel needed to perform the activities and provide the services described in this RFP, **(b)** the minimum qualifications that will be required for each position, and **(c)** the process that will be used to recruit and hire qualified staff. **(10 points)**
5. **(a)** List the essential start-up tasks necessary to implement the proposed provider's plan of action and **(b)** provide a timetable listing the start and end dates for each activity associated with the proposed program start-up. **(10 points)**
6. Identify any resources necessary for start-up that are not currently in place and describe the steps that will be taken to resolve these matters. **(2 points)**

Applicant Capability (15 points)

7. Attach at least **three (3) letters** of support for the proposed provider from several references (e.g., judges, other family court mandated representation providers [i.e., public defender/legal aid society, 18-B attorney], civil legal services attorney, DSS attorney or Attorney for the Child, service providers, community-based organizations, etc.). **Letters must include:** **(a)** the name of the reference entity, **(b)** a brief statement describing the relationship between the proposed provider and the reference entity, **(c)** the reasons the reference entity supports the proposed provider's involvement in this project, and **(d)** the name, title, and telephone number of a contact person for the reference entity. **(3 points)**
8. Describe how the proposed provider will ensure that all staff members will possess the requisite knowledge, experience and/or training necessary to fulfill the goals and provide the services described in this RFP with respect to: **(a)** New York State family court practice; **(b)** client-centered, multidisciplinary, holistic, parental defense in state

intervention cases; and **(c)** related family, civil, criminal and administrative matters. **(3 points)**

9. Describe how the grantee will consult with ILS staff regarding hiring, assessment of the need for technical assistance, and identification of providers for consultations, trainings and/or workshops about special issues such as multidisciplinary team dynamics, investigation representation, parent engagement, community outreach, and reunification advocacy, as well as administrative, operational, informational systems and/or fiscal management. **(3 points)**
10. Explain how the need for training and technical assistance for staff of the proposed provider will be assessed, and how providers of such training and technical assistance will be identified and secured. **(3 points)**
11. Describe the steps that will be taken by the proposed provider, including any in-house expertise and/or collaboration with other entities, to ensure the availability of legal representation for parents in collateral matters that may affect clients' state intervention case (e.g., criminal defense, housing, education, public benefits, etc.). **(3 points)**

Client Screening and Intake: CPS Investigation (15 points)

12. Describe the anticipated or target client population for **CPS investigation representation**, including any specific or unique characteristics or needs of this population, and how these characteristics and/or needs will be addressed by the Model Office. **(3 points)**
13. Describe the criteria and procedures that will be used to select CPS investigation clients. **(3 points)**
14. **(a)** Describe how potential CPS investigation clients will be identified (e.g., in-house telephone helpline; walk-ins; informal referrals from criminal defense or civil legal services providers; community-based organizations or service providers; formal or informal arrangements with Family Court and/or the child welfare agency; or other means of connecting with parents who are at risk of or under investigation by CPS), and **(b)** if available, attach any Memoranda of Understanding, letters of commitment or other such documentation from cooperating entities, agencies or organizations regarding their intent to refer potential pre-petition clients to the proposed provider. **(4 points)**
15. Describe the services that will be provided to clients during CPS investigation representation. **(5 points)**

Client Screening and Intake: Court Proceedings (12 points)

16. Describe the anticipated or target client population for **court intervention representation**, including any unique characteristics or needs of this population, and

how these characteristics and/or needs will be addressed by the Model Office. **(3 points)**

17. **(a)** Describe the criteria and procedures by which appointment to represent clients at the court intervention stage will be secured, and **(b)** include a description of how the proposed provider will ensure notification by the Family Court of the appointment as early as possible before the initial appearance by a client. **(4 points)**
18. Describe the services that will be provided to clients during the litigation. **(5 points)**

Stakeholder Collaboration and Community Engagement (10 points)

19. Describe how relationships with agencies and entities involved in various aspects of the child welfare system (such as courts, CPS, law enforcement, social services and foster care providers, department of education, etc.) will be built upon or developed to support the work of the Model Office. **(5 points)**
20. Describe the community outreach and education that will be conducted by the Model Office, and what activities the proposed provider will engage in with organizations and individuals, including other mandated legal representation and civil legal services providers, to support families who are involved, or are at risk of involvement, with CPS. **(5 points)**

Model of Representation (35 points)

21. **Interdisciplinary Team Model:** Describe how the multidisciplinary team model described in this RFP will be implemented, including a description of the roles and working relationships among attorney, social work, and parent advocate staff, and how the need for social work and parent advocate staffing will be assessed in each case. **(10 points)**
22. **Holistic Representation:** Describe how the proposed provider will ensure that it has the institutional capacity and flexibility to provide or coordinate legal representation in collateral legal and administrative proceedings that may impact the client's state intervention case, such as criminal, housing, health insurance, immigration, child support, public benefits, education, mental health, and state central registry fair hearings. **(5 points)**
23. **Vertical Representation:** Describe how the proposed provider will ensure continuous, vertical representation for clients by the same interdisciplinary team through all phases of each case. **(4 points)**
24. **Appellate Representation:** Describe how the proposed provider will provide or collaborate with other entities to secure appellate representation, including interlocutory appeals, filing notices of appeal, preparing the record on appeal, and briefing and arguing cases. **(5 points)**

25. **Supportive Services:** Describe the criteria and procedures by which the proposed provider will, in any given case, assess the need and provide for supportive services, for example, investigator or expert services. **(3 points)**
26. **Cultural and Language Sensitivity:** Describe how issues of cultural sensitivity and the unique needs of sign language, non-English speaking, and immigrant clients will be addressed. **(3 points)**
27. **Supervision, Training and Oversight:** Describe the supervision, training and oversight procedures that will be used to ensure that all staff adhere to relevant standards, best practices, and rules of ethics and professional responsibility. **(5 points)**

Caseload and Workload Management (15 points)

28. **(a)** Estimate the number of **prepetition, CPS investigatory** clients that will be accepted in each grant year, and **(b)** Explain how you arrived at the estimated number of prepetition, CPS investigatory clients that will be accepted in each grant year. **(2 points)**
29. **(a)** Estimate the number of **court intervention** clients that will be accepted in each grant year, and **(b)** Explain how you arrived at the estimated number of court intervention clients that will be accepted in each grant year. **(2 points)**
30. Describe the manner in which legal and non-legal staff will be deployed to handle the estimated caseload, including, but not limited to: **(a)** How resources will be allocated to assure compliance with the office average of not more than 50 clients per attorney at any given time set out in Section I.C., herein; **(b)** How the ratio of supervising attorneys to attorney staff will be structured to ensure necessary supervision; and **(c)** How the ratio of attorneys to social work, parent advocate, investigatory, and paralegal staff will be structured to ensure high quality representation. **(6 points)**
31. **(a)** Describe how the average office caseload will be monitored on a continuing basis to ensure that it does not exceed the office average of not more than 50 clients per attorney at any given time as set out in Section I.C., herein, and **(b)** Describe the procedures and safeguards that will be established to immediately remedy any noncompliance with those limits. **(5 points)**

Plan Objectives (15 points)

32. Describe how the project will improve the quality of representation for state intervention clients, including how it will achieve greater compliance with the *ILS Standards for Parental Representation in State Intervention Matters* (<https://www.ils.ny.gov/node/210/parental-representation-standards>). **(15 points)**

C. Data Collection, Performance Measurement, and Evaluation (15 points)

This section discusses how the impact of the project will be measured and evaluated. (The type of data to be collected and reported to this Office on an annual basis is set out under Question 5, below.)

1. Describe the proposed provider's present state of data collection, including the nature of any "baseline" case and client information. **(2 points)**
2. Describe the proposed provider's existing or contemplated database and/or system for tracking client information, caseloads, non-legal staff assignments, client contacts, attorney appearances, and case outcomes. **(2 points)**
3. Describe the proposed process for collecting and analyzing feedback from relevant stakeholders (e.g., clients, the courts, the child welfare agency, service providers, community-based organizations, civil legal services organizations, etc.) about the project's services and activities, and how the feedback will be used to identify, inform, and make necessary operational adjustments and modifications. **(4 points)**
4. Describe any changes to the proposer's current infrastructure that will be needed to track the required data described in Question 5, below, and how these changes will be accomplished. **(2 points)**
5. Describe how the data described below ("Data Collection") will be collected and recorded in ways that are valid, accurate, and reliable. Explain who will be responsible for gathering and recording the requested data. **(5 points)**

Data Collection - The grantee of this RFP will be expected to provide both quantitative and qualitative data to ILS demonstrating the impact of its work on the quality of representation provided and on resulting outcomes. The grantees will report to ILS the following data on a quarterly basis with the fourth quarter covering the previous 12 months of data:

1. **Aggregated demographic information on each client's:**

- Race
- Ethnicity
- Gender
- Native Language/English Speaking
- Disability (mental and/or physical)
- Age
- Immigration status
- Relation to child(ren)

2. **Investigation Representation**

- a. The total number of new CPS investigatory cases opened during the

contract period, broken down into:

- i. Those in which a child protective petition was subsequently filed.
- ii. Those in which no child protective petition was subsequently filed.

3. **Court Intervention Representation**

- a. The total number of new court intervention cases opened during the contract period broken down by number of petitions in each of the following categories:
 - i. Abuse
 - ii. Neglect
 - iii. Permanency
 - iv. Termination of parental rights
 - v. Other case types (specify)
- b. Within the court intervention caseload, number of cases in which a child was:
 - i. Not removed
 - ii. Removed pursuant to Fam. Ct. Act § 1021 (temporary removal with consent of parent)
 - iii. Removed pursuant to Fam. Ct. Act § 1022 (nonconsensual removal upon court order)
 - iv. Removal pursuant to Fam. Ct. Act § 1024 (emergency removal without court order)
 - v. Other (specify)
- c. The number of Family Court Act §1027 hearings conducted during the contract period, broken down by number of hearings resulting in:
 - i. Child remained at home (no out-of-home placement)
 - ii. Child placed with relative or suitable person
 - iii. Child placed in non-relative foster care
 - iv. Child placed with authorized agency
 - v. Other (specify)
- d. The number of Family Court Act § 1028 hearings conducted during the contract period broken down whether the child was:
 - i. returned home
 - ii. continued in out-of-home care
 - iii. Other (specify)
- e. In removal cases, the number of cases in which reunification with the client occurs within: (a) 6 months and (b) within 1 year of removal.

- f. In cases in which the child was not removed, or was returned to the client after removal, the number of cases in which the child was subsequently placed in out-of-home care during the contract period (i.e., re-entry into foster care).

4. **Caseload and Workload**

- a. The number of new CPS **investigation representation** cases assigned to each attorney during the contract period.
- b. The number of new **state intervention court** cases assigned to each attorney during the contract period.
- c. The number of collateral legal **cases** assigned to each attorney during the contract period (i.e., related family court cases such as family offense, custody, visitation, paternity, etc. and other related matters, e.g., other civil, criminal, or administrative matters).
- d. The average number of open **state intervention** cases per attorney at the end of the contract period.
- e. The average number of open collateral legal cases per attorney at the end of the contract period.
- f. The number of new clients assigned to each social worker, and to each parent advocate during the contract period.
- g. The average number of clients assigned to each social worker and to each parent advocate at the end of the contract period.

5. **Case Outcomes**

- a. Outcome of **abuse** petitions by disposition, i.e.:
 - i. dismissed before trial
 - ii. settled before trial
 - iii. allegations established after trial
 - iv. allegations established by admission
 - v. allegations established by consent
 - vi. allegations not established
 - vii. Other (specify)
- b. Outcome of **neglect** petitions by disposition, i.e.:
 - i. dismissed before trial
 - ii. settled before trial
 - iii. allegations established after trial
 - iv. allegations established by admission
 - v. allegations established by consent
 - vi. allegations not established after fact-finding
 - vii. Other (specify)
- c. Outcome of **termination of parental rights** petitions, i.e.:

- i. Petition dismissed before fact-finding
- ii. Petition dismissed after fact-finding (allegations not established)
- iii. Petition granted (allegations established, parental rights terminated)
- iv. Suspended judgment
- v. Other (specify)

6. **Interdisciplinary and Holistic Representation**

- a. The number of cases in which a support staff was assigned, broken down by type of staff (e.g., social worker, parent advocate, investigator, expert, etc.).
- b. The number and nature of any stays, interlocutory/interim appeals and outcomes of each.
- c. The number and nature of direct appeals, and outcomes of each.
- d. The number and nature of any legal representation provided or obtained with respect to matters collateral to the state intervention case, **and a brief narrative** describing the impact of such representation on the related state-intervention case.
- e. The number and nature of any non-legal assistance obtained for clients as a result of Model Office staff advocacy (e.g., mental health, employment, child care, etc).

II. Budget and Cost (40 points)

Grant applications will be evaluated and rated on efficient use of funds and overall cost-effectiveness, which includes budget plans that are consistent with the proposed action plan, administrative costs, justification for each requested budget line and cost benefit. Complete the attached Budget Form and return with the proposal, being sure to address the following:

- 1. *Budget*: Provide a detailed, **annualized three-year budget** containing reasonable and necessary costs. The budget for the proposed project must be consistent with the terms of the RFP and provide a justification for all expenses. **(15 points)**
- 2. *Subcontracting*: Describe whether the proposed budget will include subcontracting with another service provider to complete the terms described in this RFP and, if so, provide a brief description of the purpose of the subcontract. **(5 points)**
- 3. *Budget Justification*: Include a narrative for each budget line justifying the budget request and relating the requested line budget amount to the plan of action and expected results. The narrative should be mathematically sound and correspond with the expenditure budget line information and figures provided in the Budget Form. **(15 points)**
- 4. The *Budget Justification* must also describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. **(5 points)**

Complete the attached Budget Form and return with the proposal.
Section VII: Review and Selection Process

The Office will conduct a two-level review process for all submitted proposals:

The first level entails a Pass/Fail review, conducted by Office staff, of the submitted proposals to ensure that the application is responsive to the conditions set forth in the RFP. The Office will reject any applications that do not clearly and specifically address the purposes of this funding opportunity and/or fail to meet any of the following criteria:

1. The RFP was submitted within the designated time frames
2. The RFP was submitted consistent with the format requested by the Office
3. The applicant is an eligible entity as specified within the RFP
4. The proposal purpose is for that intended by the RFP
5. The proposal included a budget submission

The second level consists of a scored comprehensive proposal review that involves a thorough review of the submitted proposal specifically related to the project work plan, performance measurement and evaluation, organizational capability, overall strength of plan, and the budget and corresponding budget narrative. The proposal review and rating will be conducted using the criteria stated in this Funding Announcement. The Office will typically use staff, and others with expertise in the RFP topic area, to comprise the proposal review team. Each reviewer will assign a score up to a maximum of 200 points to each application; individual scores will be averaged to determine the applicant's score. Applicants' scores will be ranked order. The Office reserves the right to conduct follow-up discussions with applicants to clarify information in the submitted proposal. In the event of a tie (identical scores), ILS will look at the highest scores of these sections of the proposals to determine an award: first, the "Budget and Cost" portion of the proposal, and if these scores are the same, next the "Plan of Action" portion of the proposal. In addition, in the event there are any remaining funds after making awards in accordance with the Review and Selection Process, the Office reserves the right to allocate the grant funds in a manner that best suits program needs as determined by the Office. Such a plan will be subject to review and approval by the Office of the State Comptroller.

Awarding Grants

Contract Development Process

It is anticipated that applications will be reviewed and that successful applicants will be notified of funding decisions on or about July 2021. All commitments are subject to the availability of state funds. The proposal review team will recommend to the Office the highest ranked proposal that fully meet the terms of the RFP. The final total applicant score will be the cumulative total of the second level review.

The contract process and final contracts are subject to the approval of the State Attorney General and the Office of State Comptroller (OSC). Upon such approvals, the grant process will begin, and all terms of the contract become public information.

As part of the grant award process, the grantee and the Office will establish a mutually agreed upon final budget and work plan, which become the contract deliverables.

As part of the contract with the Office, grantees will be required to submit annual progress reports to the office. These reports should include narrative descriptions of successes achieved, obstacles encountered during implementation, and efforts to overcome these obstacles. Additionally, applicants should anticipate that data collected by the program in accordance with the requirements of section B of the proposal will be required to be reported in aggregate form to the office as a means of understanding the impact of the program, its successes, and the challenges that remain. ILS staff will be available to assist grant recipients with how to best collect these data in ways that are convenient to the program's capabilities, clearly assess the goals of the project, and assure the collection of information that is of the highest possible quality. The Office may suggest the use of a specific data collection protocol, or work with programs to employ existing, in-house case tracking software to produce data.

The Office reserves the right to:

- Negotiate with applicants, prior to award, regarding work plans, budget line levels, and other issues raised within the RFP review to achieve maximum impact from the grant award, and serve the best interests of New York State and ensure that budgets are consistent with proposed action plans; and
- If unable to negotiate the contract with the selected applicants within 60 days, the Office may begin contract negotiations with the next highest scoring qualified applicant(s).

Payment

Each county will be reimbursed for expenses incurred pursuant to grant related activities including salary, benefits, travel, and related expenses. No payments will be made until the contract is fully executed and approved by the State Attorney General and the State Comptroller.

Funding Requirements

Indigent Legal Services funds distributed by the Office of Indigent Legal Services are intended to supplement county resources for supplying indigent defense services and to ensure proper legal representation for indigent defendants pursuant to Article 18-B of the County Law.

Supplanting is prohibited: Any funds awarded to a county pursuant to this RFP shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, or state funds, including any funds distributed by the Office of Indigent Legal Services, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to Article 18-B of the County Law.

The issuance of this request for proposals does not obligate the Office of Indigent Legal Services to award grants.

Budget Form

County	
Budget Contact Person's Name	
Phone	
E-mail address	

Line Item	Year 1	Year 2	Year 3
Personal Service: Position (specify) Salary: Fringe Benefits:			
Personal Service Subtotal			
Contractual Services			
Contractual Subtotal			
Equipment (specify)			
Equipment Subtotal			
Other Than Personal Service (OTPS) (specify)			
OTPS Subtotal			
Miscellaneous			
Miscellaneous Subtotal			
TOTAL			
TOTAL THREE-YEAR BUDGET			

DANIEL P. MCCOY
COUNTY EXECUTIVE



EUGENIA KOUTELIS CONDON
COUNTY ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE COUNTY ATTORNEY
COUNTY OFFICE BUILDING
112 STATE STREET, ROOM 600
ALBANY, NEW YORK 12207-2021
PHONE (518) 447-7110 | FAX (518) 447-5564
WWW.ALBANYCOUNTY.COM

JOHN W. LIGUORI
DEPUTY COUNTY ATTORNEY

YORDEN C. HUBAN
FIRST ASSISTANT
COUNTY ATTORNEY

May 20, 2021

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

Dear Chairman Joyce:

Enclosed for your consideration please find a completed Request for Legislative Action relative to a request for approval to settle active litigation which I am requesting be placed on the agenda for the next Law Committee meeting. As an agreement to settle this litigation has been reached between the parties, subject to the approval of the Legislature, I am requesting that the details of this proposed settlement remain confidential. Further, I request that the Law Committee consider this matter in Executive Session to discuss the details of the lawsuit and the proposed terms of the settlement.

Sincerely,

/s/ Eugenia K. Condon
Eugenia K. Condon, Esq.
Albany County Attorney

Cc:

Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Counsel to the Chairman
Majority Counsel
Minority Counsel



County of Albany

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

Legislation Text

File #: TMP-2500, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Settlement Civil Matter

Date: 5/19/2021
Submitted By: Eugenia Condon
Department: Law
Title: County Attorney
Phone: 518-447-7110
Department Rep.
Attending Meeting: Eugenia Condon

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: CS9931
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: 100%
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: Settlement

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)

To settle a confidential lawsuit