

County of Albany

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



Meeting Agenda

Wednesday, September 28, 2022

6:00 PM

**Harold L. Joyce Albany County Office Building
Room 730**

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "L" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, ENSURING UNIVERSAL ACCESS TO COUNSEL DURING EVICTION PROCEEDINGS IN HOUSING COURTS IN ALBANY COUNTY
3. LOCAL LAW NO. "B" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES
4. LOCAL LAW NO. "C" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGULATING THE SALE OF USED CATALYTIC CONVERTERS
5. LOCAL LAW NO. "E" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"
6. LOCAL LAW NO. "H" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PREVENTING INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITIES

CURRENT BUSINESS:

7. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "I" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 6 FOR 2017: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW NO. 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g
8. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "J" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

9. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "K" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY BANNING DEADLY WEAPONS, DANGEROUS INSTRUMENTS, EXPLOSIVE DEVICES, AND POISONOUS GASES FROM ALBANY COUNTY FACILITIES
10. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "L" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM
11. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "M" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THE DISTRIBUTION OF ILLEGAL FIREARM AWARENESS NOTICES
12. LOCAL LAW NO. "I" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 6 FOR 2017: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW NO. 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g
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15. LOCAL LAW NO. "L" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM
16. LOCAL LAW NO. "M" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THE DISTRIBUTION OF ILLEGAL FIREARM AWARENESS NOTICES

17. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING SEXUAL ASSAULT CRISIS AND PREVENTION SERVICES

18. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE SECOND UPSTATE FAMILY DEFENSE (CHILD WELFARE) QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT

County of Albany

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



Meeting Minutes

Wednesday, August 24, 2022

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

This was approved.

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

Excused: Vice Chair 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.

2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES

This proposal was tabled at the request of the Sponsor.

3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2022 A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"

Mr. Peter made a motion, duly seconded, to amend the Public Hearing date to Sept. 27, 2022, and the motion to amend passed unanimously.

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

4. LOCAL LAW NO. "A" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, 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.

5. LOCAL LAW NO. "L" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, ENSURING UNIVERSAL ACCESS TO COUNSEL DURING EVICTION PROCEEDINGS IN HOUSING COURTS IN ALBANY COUNTY

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

6. LOCAL LAW NO. "B" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES

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

7. LOCAL LAW NO. "C" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGULATING THE SALE OF USED CATALYTIC CONVERTERS

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

8. LOCAL LAW NO. "E" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"

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

CURRENT BUSINESS:

9. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "H" FOR A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PREVENTING INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITIES

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

10. LOCAL LAW NO. "H" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PREVENTING INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITIES

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

LOCAL LAW NO. “L” FOR 2021

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, ENSURING UNIVERSAL ACCESS TO COUNSEL DURING EVICTION PROCEEDINGS IN HOUSING COURTS IN ALBANY COUNTY

Introduced: 9/13/21

By Messrs. Fein, Efekoro and Ms. Lekakis:

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

SECTION 1. TITLE

This local law shall be known as the “Albany County Right to Counsel Act”

SECTION 2. LEGISLATIVE INTENT

While those facing criminal prosecution have a legal right to an attorney, as determined in the Supreme Court case *Gideon v. Wainwright*, those facing eviction are not guaranteed representation. Right to counsel legislation would address a significant imbalance in representation in housing court. In 2018, in landlord tenant cases in Albany City Court, only 2.4% of defendants had counsel while 85.7% of plaintiffs had counsel.

Rent is a significant burden for many individuals in Albany County. The COVID pandemic has exacerbated already deep problems of housing insecurity and has highlighted the struggles many families face. In the City of Albany, 49% of families of color are rent-burdened and 35% of white families are rent burdened (meaning they spent more than 30% of their income on rent).

Right to counsel would strengthen protections for individuals facing eviction, ensuring that they are adequately represented in court. When someone is at risk of losing their housing, they deserve the full hearing in court which only a lawyer is capable of advocating for.

SECTION 3. DEFINITIONS

- (a) Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.
- (b) Coordinator. The term “coordinator” means the County Attorney.
- (c) Covered individual. The term “covered individual” means a tenant of a rental dwelling unit located in Albany County, including any tenant in a building operated by any housing authority located in Albany County, who is a respondent in a covered proceeding.

- (d) Covered proceeding. The term “covered proceeding” means any summary proceeding in housing court to evict a covered individual, including a summary proceeding to seek possession for the non-payment of rent or a holdover, or an administrative proceeding of any housing authority located in the Albany County for termination of tenancy.
- (e) Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services and is designated by the coordinator pursuant to this chapter.
- (f) Full legal representation. The term “full legal representation” means ongoing legal representation provided by a designated organization to an income-eligible individual and all legal advice, advocacy, and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.
- (g) Housing court. The term “housing court” means the housing part of any city, town, or village court located in Albany County.
- (h) Income-eligible individual. The term “income-eligible individual” means a covered individual whose annual gross household income is not in excess of 200 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.
- (i) Legal services. The term “legal services” means brief legal assistance or full legal representation.

SECTION 4. PROVISION OF LEGAL SERVICES

- (a) Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered individuals in covered proceedings and shall ensure that, no later than January 1, 2022:
 - a. all covered individuals receive access to brief legal assistance no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable; and
 - b. all income-eligible individuals receive access to full legal representation no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable.

- (b) The coordinator shall estimate annually the expenditures required for each year of implementation of the programs described by this section. Beginning October 1, 2022 and no later than each October 1 thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.
- (c) The coordinator shall annually review the performance of designated organizations.
- (d) The coordinator shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, the coordinator shall maintain a list of such organizations that provide such legal services.
- (e) Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.
- (f) Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

SECTION 5. NOTICE AND OUTREACH

- (a) The Sheriff's Office shall provide notice of a covered individual's right to counsel in all eviction notices.
- (b) The coordinator shall set up a hotline to connect covered individuals with legal services and answer questions.

SECTION 6. PUBLIC HEARING

- (a) Following the establishment of the programs described by Section 4, the coordinator shall hold one public hearing each year to receive recommendations and feedback about such programs.
- (b) Such hearing shall be open to the public, and the coordinator shall provide notice of such hearing, no less than 30 days before such hearing, by:
 - a. posting in the housing court in English, Spanish, and any other languages determined by the coordinator;
 - b. posting in public offices of the Department of Social Services in English, Spanish, and any other languages determined by the coordinator; and

- c. outreach through local media and to each designated organization, local elected officials, the supervising judges of housing courts, and community-based organizations.
- (c) At such hearing, written and oral testimony may be provided.
- (d) The coordinator shall cause a transcript of such hearing to be produced and shall post such transcript online no later than 45 days after the meeting.

SECTION 7. REPORTING

No later than January 1, 2022 and annually by each January 1 thereafter, the coordinator shall submit to the county executive and the chairperson of the county legislature, and post online, a review of the program established pursuant to subdivision a of Section 4 and information regarding its implementation, to the extent such information is available, including, but not limited to:

- (a) the estimated number of covered individuals;
- (b) the number of individuals receiving legal services, disaggregated by the following characteristics of such individuals:
 - a. city, town, or village and postal code of residence;
 - b. age of head of household;
 - c. household size;
 - d. estimated length of tenancy;
 - e. approximate household income;
 - f. receipt of ongoing public assistance at the time such legal services were initiated;
 - g. tenancy in housing operated by any housing authority located in Albany County;
- (c) outcomes immediately following the provision of full legal representation, as applicable and available, including, but not limited to, the number of:
 - a. case dispositions allowing individuals to remain in their residence;
 - b. case dispositions requiring individuals to be displaced from their residence; and
 - c. instances where the attorney was discharged or withdrew.
- (d) non-payment and holdover petitions filed in housing court, warrants of eviction issued in housing court, and residential evictions conducted by county sheriff deputies, disaggregated by city or town.

SECTION 8. RULES

The coordinator may promulgate such rules as may be necessary to carry out the purposes of this local law.

SECTION 9. SEVERABILITY.

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

SECTION 10. EFFECTIVE DATE

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

Referred to Law and Audit and Finance Committees – 9/13/21

LOCAL LAW “B” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES

Introduced: 3/14/22

By Ms. McLean Lane:

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

SECTION 1. Legislative Intent

The purpose of this Local Law is to exempt Albany County from the payment of wireless communication surcharges on County owned or leased wireless telephones.

SECTION 2. Amendment

Section 2, of Local Law No. 6 for 2017, “A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g,” is amended by the addition of a new subdivision (d) as follows:

(d) Limitations. No wireless communication surcharge set forth in this Local Law shall be imposed upon any wireless telephone owned or leased by Albany County.

SECTION 3. Severability

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

SECTION 4. Effective Date

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

Referred to Law and Public Safety Committees – 3/14/22

LOCAL LAW NO. "C" FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGULATING THE SALE OF USED CATALYTIC CONVERTERS

Introduced: 04/11/22

By Messrs. Cleary and A. Joyce:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Title

This local law shall be known as "Regulating the Sale of Used Catalytic Converters."

Section 2. Legislative Intent

The Legislature hereby finds and determines that there has been an increase in thefts of used catalytic converters from vehicles in the County for the purpose of reselling the converters as scrap metal.

The Legislature further finds and determines that catalytic converter theft is a crime that is affecting an increasing number of families in the County. Accordingly, we must enact strategies and penalties to combat the problem.

The Legislature further finds and determines that requiring scrap metal recyclers doing business in Albany County to delay payment to sellers of used catalytic converters for at least fourteen (14) days after receipt of such devices will allow law enforcement additional time to investigate the theft of used catalytic converters and further discourage criminal conduct.

The Legislature also finds and determines that requiring scrap metal recyclers to maintain records of the purchase of used catalytic converters will assist law enforcement in the investigation of thefts of such devices.

Section 3. Purpose

The purpose of this Local Law to discourage the theft of catalytic converters from vehicles by requiring scrap metal recyclers doing business in Albany County to delay payments to sellers of used catalytic converters for at least fourteen (14) days after receipt and requiring scrap metal recyclers to maintain records of the purchase of such devices for three (3) years in order to aid law enforcement in the investigation of the theft of such devices.

Section 4. Definitions

As used in this local law, the following terms shall have the meanings indicated:

"Catalytic Converter" means a catalytic converter or other equipment or feature constituting an operational element of a motor vehicle's air pollution control system or mechanism required by federal or state law or by any rules or regulations promulgated pursuant thereto, as amended from time to time.

"Repair Shop" means a business enterprise that repairs vehicles and is certified by the New York State Department of Motor Vehicles,

"Scrap Metal Recycler" means a vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle collector or scrap processor doing business in Albany County; but shall not include a dealer registered pursuant to section four hundred fifteen of the New York Vehicle and Traffic Law, an insurance company, a governmental agency, a person in whose name a certificate of title, registration or other ownership document has been issued for the vehicle from which the Used Catalytic Converter was removed, or a Repair Shop.

"Used Catalytic Converter" means a Catalytic Converter that was previously installed in a vehicle and which has been removed from such vehicle in whole or in part.

Section 5. Prohibition.

No Scrap Metal Recycler shall purchase or take possession of, including for purposes of recycling or rebuilding, a Used Catalytic Converter from any person or entity other than a dealer registered pursuant to section four hundred fifteen of the Vehicle and Traffic Law, an insurance company, a governmental agency, a person in whose name a certificate of title or other ownership document has been issued for the vehicle from which the catalytic converter was removed, a Repair Shop, or a person registered or certified or issued an identification number for the vehicle under the Vehicle and Traffic Law.

Section 6. Maintenance of Records by Scrap Metal Recycler.

Each Scrap Metal Recycler who purchases or takes possession of, including for purposes of recycling or rebuilding, a Used Catalytic Converter shall record the purchase of the Used Catalytic Converter documenting the date of purchase, the name of seller, the seller's address or, in the case that the seller is an individual, the seller's residence address by street, number, city, village or town, the seller's driver's license number or information from a government issued photographic identification card, if any, or by such description as will reasonably locate the seller, or, if the seller is a Repair Shop, the Repair Shop's New York State Department of Motor Vehicles certification number. Such record shall be preserved by the Scrap Metal Recycler for

a period of three years from the date of receipt of the Used Catalytic Converter. Such records shall be available for inspection by any law enforcement authority with jurisdiction over the Scrap Metal Recycler.

Each Scrap Metal Recycler shall cause the record of purchase of the Used Catalytic Converter to be signed by the seller or his or her agent. It shall be unlawful for any seller or agent to refuse to furnish such information or to furnish incorrect or incomplete information. The Scrap Metal Recycler shall make and retain a copy of the government issued photographic identification card used to verify the identity of the person from whom the Used Catalytic Converter was purchased or obtained and shall retain the copy in a separate book, register or electronic archive for three (3) years from the date of purchase. Such records shall be available for inspection by any law enforcement agency having jurisdiction over the Scrap Metal Recycler.

Section 7. Payments.

Payments by any Scrap Metal Recycler to a business, agency or private citizen who turns in a catalytic converter for scrap will be issued through check, with a copy of the check being held by the Scrap Metal Recycler for three years from the date of disbursement. Such records shall be available for inspection by any law enforcement agency having jurisdiction over the Scrap Metal Recycler.

Section 8. Violations

(A) Any person that violates this Local Law shall:

- (1) be guilty of a class A misdemeanor, and
- (2) upon conviction thereof, shall be punished by a fine not to exceed \$300 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

(B) This Local Law shall be enforced by any local law enforcement agency having jurisdiction over the Scrap Metal Recycler located within the County of Albany.

Section 9. Severability.

If any clause, sentence, paragraph, section or chapter of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or chapter thereof directly involved in the proceeding in which such adjudication shall have been rendered. This local law shall not supersede any applicable state or federal laws or regulations with regard to the subject matters set forth herein.

Section 10. Effective Date and Applicability

This local law shall be effective ninety (90) days subsequent to filing in the Office of the Secretary of State and shall apply to all transactions occurring on or after the effective date of this local law.

Referred to Law and Public Safety Committees – 4/11/22

LOCAL LAW “E” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED “AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY”

Introduced: 5/9/22

By Mss. McLaughlin, Plotsky and Mr. A. Joyce:

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

SECTION 1. Legislative Intent

The purpose of this Local Law is to prevent discrimination in employment by requiring the disclosure of the minimum and maximum salary or wage at the time any position for hire in Albany County is solicited.

In 2017, this honorable body adopted rules prohibiting employers from requiring job applicants to provide prior or current salary information before an offer of employment is made.

The County of Albany continues to be dedicated to protecting the rights of its residents and eliminating discrimination and bias in the workplace.

This Legislature hereby finds and determines that withholding salary information during the employment solicitation process places employees at a disadvantage and can lead to discriminatory pay inequality.

Therefore, the purpose of this law is to amend the Albany County Omnibus Human Rights Law (Local Law No. 1 for 2013, as amended) to require employers to provide the minimum and maximum salary or hourly wage for any position being solicited for employment.

SECTION 2. Prohibitions

Section 7, subsection 1 (i) of Local Law No. 1 for 2013, “An Omnibus Human Rights Law for Albany County,” as amended, is further amended by the addition of a new subdivision (4) as follows:

(4) Advertise a job, promotion, or transfer opportunity without stating the minimum and maximum salary or hourly wage for such position in such advertisement. In stating the minimum and maximum salary or hourly wage for a position, the range may extend from the lowest to the highest salary the employer in good faith believes at the time of the posting it

would pay for the advertised job, promotion, or transfer opportunity. This subdivision does not apply to a job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the New York State Labor Law.

SECTION 3. Severability

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

SECTION 4. Effective Date

This Local Law shall take effect 90 days after enactment.

LOCAL LAW “E” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED “AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY”

Introduced: 5/9/22

By McLaughlin, Plotsky, A. Joyce:

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SECTION 2. Prohibitions

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(4) Advertise a job, promotion, or transfer opportunity without stating the minimum and maximum salary or hourly wage for such position in such advertisement. In stating the minimum and maximum salary or hourly wage for a position, the range may extend from the lowest to the highest salary the employer in good faith believes at the time of the posting it

would pay for the advertised job, promotion, or transfer opportunity. This subdivision does not apply to a job advertisement for positions that cannot or will not be performed, at least in part, in the County of Albany, or positions for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the New York State Labor Law. Advertisements for jobs, promotions, or transfer opportunities paid solely on commission shall maintain compliance with this subparagraph by disclosing in writing in a general statement that compensation shall be based on commission.

(4)(a) No employer shall refuse to interview, hire, promote, employ or otherwise retaliate against an applicant or current employee for exercising any rights under this section.

(4)(b) No person shall have a cause of action pursuant to Section 9 of this Local Law for an alleged violation of Section 7 (1)(i)(4), except that an employee may bring such an action against their current employer for an alleged violation in relation to an advertisement by their employer for a job, promotion or transfer opportunity with such employer.

(4)(c) Notwithstanding Section 9, an employment agency, employer or employee or agent thereof shall be subject to a civil penalty of \$0 for a first violation of Section 7 (1)(i)(4), or any rule promulgated thereunder, if such employment agency, employer, employee or agent thereof proved to the satisfaction of the Affirmative Action Officer on behalf of the Commission, within twenty (20) days of the service of a copy of the applicable complaint pursuant to Section 8 (2), that the violation has been cured. The submission of proof of a cure, if accepted by the commission as proof that the violation has been cured, shall be deemed an admission of liability for all purposes.

(4)(d) For the purposes of Section 7 (1)(i)(4), the term “employer” shall mean (i) any person, corporation, limited liability company, association, labor organization or entity employing four (4) or more employees in any occupation, industry, trade, business or service, or any agent thereof; and (ii) any person, corporation, limited liability company, association or entity acting as an employment agent or recruiter, or otherwise connecting applicants with employers, provided that “employer” shall not include a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the New York State Labor Law.

SECTION 3. Enforcement

Section 9, subsection of Local Law No. 1 for 2013, “An Omnibus Human Rights Law for Albany County,” as amended, is further amended as follows:

1. Any person who is aggrieved by an unlawful discriminatory practice set forth in this law shall have a cause of action in any court of appropriate jurisdiction for damages and such other remedies at law and in equity as may be appropriate. If the court should find a violation of this law, it may take such action as may be appropriate, including but not limited to: requiring such party to cease and desist from such unlawful discriminatory practice; requiring such party to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay; restoration to membership in any labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons; granting the credit which was the subject of any complaint, and the awarding of compensatory damages to the person aggrieved by the unlawful discriminatory practice.
2. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Local Law. Furthermore, non-compliance with any of the requirements set forth in this section shall be an independent violation of this Local Law, and shall be punishable by a fine of \$500 for the first offense, \$1,000 for the second offense, and \$1,500 for the third and any subsequent offense. Any such violation shall be brought within one year of the violation, except that any violation initiated by the Affirmative Action Officer shall be brought within one year of when the Human Rights Commission first learned of the violation.

SECTION 3. Severability

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

SECTION 4. Effective Date

This Local Law shall take effect 90 days after enactment.

LOCAL LAW NO. “H” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PREVENTING INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITIES

Introduced: 8/8/22

By Mr. A. Joyce, **Ms. Lekakis**, Messrs. Feeney, Reinhardt, Reidy, Efekoro, Fein, Mss. Plotsky, McLean Lane, Messrs. Miller, Ward, Cleary, Clay, Ethier, Commisso, Mss. McLaughlin, Chapman, Mr. Simpson, Ms. Willingham, Messrs. Peter, Kuhn, Mayo and O'Brien:

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

SECTION 1. Title

This local law shall be known as the “Protected Access to Healthcare Act for Albany County.”

SECTION 2. Legislative intent and purpose.

A. This Legislature finds and determines that access to health care facilities for the purpose of obtaining medical counseling and treatment is imperative for citizens of this county.

B. This Legislature further finds and determines that the exercise of a person’s right to protest or counsel against certain medical procedures must be balanced against another person’s right to obtain medical counseling and treatment in an unobstructed manner.

C. This Legislature further finds and determines that preventing the willful obstruction of a person’s access to medical counseling and treatment at a health care facility is a matter of countywide concern.

D. The Legislature of the County of Albany therefore declares that it is appropriate to enact legislation that prohibits a person from knowingly obstructing another person’s entry to or exit from a health care facility.

SECTION 3. Definitions

- a. The term “approach” shall mean to move nearer in distance to someone.
- b. The term “eight (8) feet” shall be measured from the part of a person’s body that is nearest to the closest part of another person’s body, where the term “body” includes any natural or artificial extension of a person, including, but not limited to, an outstretched arm or hand-held sign.

- c. The term “harass” shall mean to engage in a course of conduct or repeatedly commit conduct or acts that alarm or seriously annoy another person and which serve no legitimate purpose. For the purposes of this definition, conduct or acts that serve no legitimate purpose include, but are not limited to, conduct or acts that continue after an express or implied request to cease has been made.
- d. The term “health care facility” shall mean any entity that is licensed, certified, or otherwise authorized or permitted by law to administer medical treatment in this county.
- e. The term “interfere with” shall mean to restrict a person’s freedom of movement, or to stop, obstruct, or prevent, through deceptive means or otherwise.
- f. The term “intimidate” shall mean to place a person in reasonable apprehension of physical injury to such person or to another person.
- g. The term “physical obstruction” shall mean to physically hinder, restrain, or impede, or to attempt to physically hinder, restrain or impede, or to otherwise render ingress to or egress from, or render passage to or from the premises of a health care facility impassable, unreasonably difficult, or hazardous.

SECTION 4. Prohibitions

No person shall knowingly either (1) approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius of fifty (50) feet from any entrance door to a health care facility; or (2) by force or threat of force or by physical obstruction, intentionally injure, intimidate, harass, or interfere with or attempt to injure, intimidate, harass or interfere with any person entering or leaving any health care facility.

SECTION 5. Penalties

- a. Any person who shall violate any provision of this Local Law shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000), or imprisonment not to exceed six (6) months, or both, for a first conviction; and
- b. For a second and each subsequent conviction under this Local Law the penalty shall be a fine not to exceed five thousand dollars (\$5,000), or imprisonment not to exceed one (1) year, or both.

SECTION 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Effective date.

This law shall take effect immediately.

Referred to Law and Health Committees – 8/8/22

RESOLUTION NO. 334

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “T” FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 6 FOR 2017: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW NO. 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g

Introduced: 9/12/22

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “T” for 2022, “A Local Law of the County of Albany, New York Amending Local Law No. 6 for 2017: A Local Law of the County Of Albany, New York Repealing the Wireless Communication Surcharge Authorized by Article 6 of the County Law of the State of New York set forth in Albany County Local Law No. 9 for 2009 and Imposing the Wireless Communications Surcharges Pursuant to the Authority of tax Law §186-g” will be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, October 25, 2022, 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.

LOCAL LAW NO. "I" FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 6 FOR 2017: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW NO. 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g

Introduced: 9/12/22

By Mr. A. Joyce:

BE IT ENACTED by the Albany County Legislature, that Local Law No. 6 for 2017 "A Local Law of the County of Albany, New York Repealing the Wireless Communication Surcharge Authorized by Article 6 of the County Law of the State of New York set forth in Albany County Local Law 9 For 2009 and Imposing the Wireless Communications Surcharges Pursuant to the Authority of Tax Law §186-g" is hereby amended as follows:

Section 1. Amendment of existing Local Law.

Section 2, Imposition of wireless communication surcharges, is hereby amended by inserting the following language after subd. (c):

"(d) Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of Albany County on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County at a rate of ninety-five (95) cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of ninety-five (95) cents per retail sale, whether or not any tangible property is sold therewith.

(e) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2022.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three (3) percent of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance before its due date."

Section 2. Severability

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

Section 3. Effective Date.

This Local Law shall take effect December 1, 2022, and shall expire and be deemed repealed June 30, 2032.

RESOLUTION NO. 337

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “J” FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

Introduced: 9/12/22

By Mr. Reidy and Ms. McLean Lane:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “J” for 2022, “A Local Law of the County of Albany Requiring that all Unattended Weapons in the Home be Locked or Kept Securely” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, October 25, 2022, 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.

LOCAL LAW “J” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

Introduced: 9/12/22

By Mr. Reidy and Ms. McLean Lane:

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

SECTION 1. Title.

This Local Law shall be known as the “Safe Gun Storage Law.”

SECTION 2. Legislative Intent.

Albany County is dedicated to protecting its residents. This Legislature finds that an average of 483 deaths and 76,127 non-fatal injuries per year are from unintentional shootings. Studies have shown that, when a firearm is easily accessible, the risk of unintentional shootings rises dramatically.

This Legislature further finds that the presence of an unsecured, easily accessible loaded weapon in the home increases the likelihood of death or injury from accidents and impulsive acts. Guns left unattended in the home should be kept locked or stored securely to prevent access by children and others who should not have access to them. Gun owners are responsible for keeping their firearms from falling into the hands of children and other unauthorized individuals.

The purpose of this Local Law is to provide for and promote the health, safety and welfare of the general public by requiring that all unattended weapons be either locked with an appropriate safety lock or otherwise stored in a safe storage depository so as to prevent unauthorized use.

SECTION 3. Definitions.

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

a. Weapon shall be defined as any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;

b. Serious physical injury and physical injury shall be defined as provided in Section 10.00 of the Penal Law.

c. Safety locking device shall mean a design adaptation, attached accessory or device installed, that when activated or installed prevents the discharge or firing of the weapon.

d. Safe storage depository shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein.

e. Person shall include corporation, partnership, business or other entity.

f. Operable shall mean, in relation to a weapon, that the weapon is capable, when loaded with ammunition, of being fired or discharged. A weapon which is appropriately locked with a safety lock or stored within a safe storage depository shall not be considered operable for purposes of this Local Law.

SECTION 4. Safety locks or safe storage depositories required.

No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon.

SECTION 5. Negligent storage of a weapon in the second degree.

A person is guilty of the negligent storage of a weapon in the second degree when he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian.

SECTION 6. Negligent storage of a weapon in the first degree.

A person is guilty of the negligent storage of a weapon in the first degree when, he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian and such weapon is discharged causing physical injury, serious physical injury or death to any person.

SECTION 7. Requirements at transfer of a weapon.

No person shall sell, deliver or transfer any weapon to another person unless the transferee is provided at the time of sale, delivery or transfer with a safety locking device that is capable of preventing that particular weapon from firing.

SECTION 8. Penalties.

1. Any violation of sections 4, 5, and/or 7 shall be a violation and shall be punished by imprisonment of not more than 15 days or by a fine of not more than \$1,000, or both.

2. Notwithstanding the foregoing, any person who violates sections 4, 5, and/or 7 and who has previously been found guilty of a violation of either of those provisions shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or by a fine of not more than \$1,500, or both.

3. Each violation of section 6 shall constitute a misdemeanor and a person found guilty of such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not more than \$3,000, or both.

SECTION 9. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 10. Effective Date

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

RESOLUTION NO. 338

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “K” FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY BANNING DEADLY WEAPONS, DANGEROUS INSTRUMENTS, EXPLOSIVE DEVICES, AND POISONOUS GASES FROM ALBANY COUNTY FACILITIES

Introduced: 9/12/22

By Mr. Reidy:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “K” for 2022, “A Local Law of the County of Albany Banning Deadly Weapons, Dangerous Instruments, Explosive Devices, and Poisonous Gases from Albany County Facilities” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, October 25, 2022, 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.

LOCAL LAW “K” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY BANNING DEADLY WEAPONS, DANGEROUS INSTRUMENTS, EXPLOSIVE DEVICES, AND POISONOUS GASES FROM ALBANY COUNTY FACILITIES

Introduced: 9/12/22

By Mr. Reidy:

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

SECTION 1. Title.

This Local Law shall be known as the “Albany County Safe Employees Law.”

SECTION 2. Legislative Intent.

The Albany County Legislature finds that: (1) deadly weapons and dangerous instruments often cause accidental deaths and injuries and are frequently used in the commission of crimes, particularly homicides and assaults; (2) physical possession of deadly weapons and dangerous instruments in County buildings by persons other than those on official business with authorization to carry such weapons or instruments poses a serious threat to the health, safety and general welfare of County public servants and other persons lawfully in County buildings; and (3) the presence of deadly weapons and dangerous instruments in County buildings, except by certain authorized officials, may seriously impair the performance of essential government functions.

In order to ensure essential government functions without fear, threat, intimidation, or harm to any person or function therein, the Albany County Legislature finds it necessary for the security, safety, protection and well-being of its employees, its property, and any individuals present thereupon, to place restrictions on the possession of deadly weapons and dangerous instruments by individuals in buildings owned, leased, operated, or controlled by Albany County.

SECTION 3. Definitions.

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

a. “Deadly Weapon” shall be defined as set forth in New York Penal Law Section 10, and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade

knife, gravity knife, pilium ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

b. “Dangerous Instrument” shall be defined as set forth in New York Penal Law Section 10, and means any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury (as those terms are defined in New York Penal Law Section 10). Dangerous Instruments include, but are not limited to, such items as knives, dirks, razors, stilettos, imitation pistols, or any other weapons, whether loaded or unloaded.

c. “County Building” means any building owned, leased, operated, or controlled by Albany County.

d. “Police Officer” shall be defined as set forth in New York Criminal Procedure Law Section 1.20.

e. “Peace Officer” shall be defined as set forth in New York Criminal Procedure Law Section 2.10.

SECTION 4. Physical Possession of Deadly Weapons or Dangerous Instruments in County Buildings Prohibited.

No person shall enter into and/or remain in a County Building while in possession of a deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas.

SECTION 5. Exceptions.

This Local Law shall not apply to any authorized peace officer or police officer, as defined in the New York Criminal Procedure Law, or any other official of the County, State or Federal Government who is duly authorized to possess such deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas while acting within the scope of their employment.

SECTION 6. Signs.

The Commissioner of Public Works shall cause to be posted, on walls, windows, or other locations as the Commissioner shall deem most visible to members of the general public entering the building, a sign with a red background and white lettering in no less than 9/16” size type reading as follows:

NOTICE:
**POSSESSING A FIREARM OR OTHER DEADLY WEAPON,
DANGEROUS INSTRUMENT, EXPLOSIVE DEVICE, AND/OR
POISONOUS GAS IN COUNTY BUILDINGS IS PROHIBITED.
VIOLATORS WILL BE PROSECUTED.**

SECTION 7. Penalties.

A. Unless person who carries or possesses a deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas in a County Building in violation of this Local Law shall be guilty of trespass, as an unclassified misdemeanor, and subject to punishment by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed 90 days, or both. Each day or part of a day which a violation continues shall constitute a separate violation.

B. In addition to any other penalties, Albany County may also maintain a civil trespass action and/or seek civil injunctions against violators of this Local Law.

C. In addition to any other penalties or civil actions, any person found to be in violation of this Local Law may be denied permission to enter any building owned, leased, or operated by Albany County or at any worksite of Albany County, or in a vehicle owned or leased by Albany County.

SECTION 8. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. Effective Date

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

RESOLUTION NO. 339

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “L” FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM

Introduced: 9/12/22

By Messrs. Reinhardt and Perlee, A. Joyce, Feeney, Efekoro, Mss. Lekakis, Plotsky and Mr. Commisso:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “L” for 2022, “A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, October 25, 2022, 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.

LOCAL LAW “L” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM

Introduced: 9/12/22

By Messrs. Reinhardt, Perlee, Drake, Mauriello, Miller and Commisso:

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

SECTION 1. Title.

This Local Law shall be known as the “Albany County Nature and Historic Preserve System Law.”

SECTION 2. Legislative Intent and Purpose.

The Albany County Legislature recognizes the unique benefits that open spaces and historic sites and buildings provide to residents of the County, and wishes to establish regulations for the use and continued sustainability of nature and historical preserves owned or managed by the County.

The Albany County Legislature finds that nature preserves offer unmatched combinations of undeveloped land, scenic vistas and/or open space which can provide for management and preservation of rare, threatened or endangered species of flora and fauna, provide habitat for birds, fish and other wildlife, permit the study of the natural sciences, and provide areas for passive recreational uses.

The Albany County Legislature further finds that historical preserves offer an important way for us to share our understanding of the past with future generations. History teaches us new things about ourselves, and helps build toward the future. Sometimes historic preservation involves celebrating events, people, places, and ideas that we are proud of; other times it involves recognizing moments in our history that can be painful or uncomfortable to remember. Both are equally important.

Accordingly, the Albany County Legislature determines that certain open spaces and historic sites and buildings should be preserved for the benefit of the residents of Albany County, as a part of a County-wide Preserve System. The Legislature likewise finds that expenditures made in support of these nature and historical preserves are a proper County charge.

In 1976, the Albany County Legislature previously established the "Albany County Nature and Historic Preserve," which only ever contained one property – the Ann Lee Pond EcoRegion Preserve. In an effort to revamp and revitalize this program for

current environmental, ecological, and historical needs, the Albany County Legislature finds that it is appropriate to repeal the Local Laws which created the 1976 Preserve, and create a Preserve System to better protect, preserve, and enhance the natural and historical features of Albany County. This Preserve System will also address the ever-worsening effects of climate change by providing for forested parcels to sequester carbon in the atmosphere, helping to mitigate temperature fluctuation, preventing soil erosion, ensuring appropriate water quality, as well as serving many other beneficial functions.

SECTION 3. Repealer.

This Local Law expressly repeals, abrogates, and annuls Local Law Nos. 7 and 8 of 1976, which established the "Albany County Nature and Historic Preserve."

SECTION 4. Establishment of the Albany County Nature and Historic Preserve System.

The Albany County Legislature hereby establishes a Preserve System to be known as the Albany County Nature and Historic Preserve System. This Preserve System shall consist of those land areas and historic sites and buildings designated by the County Legislature to be a part of the Preserve System. The interests of the County can be that of ownership, or rights of lesser degree such as open space easements, conservation easements, easements calling for the maintenance and preservation of historic sites and buildings, or co-management agreements.

SECTION 5. Qualifications for Preserves.

To be considered for inclusion in the Albany County Nature and Historic Preserve System, a parcel of real property must meet one or more of the following criteria:

1. It provides habitat for endangered, threatened or special concern wildlife species, as listed in the New York State Environmental Conservation Law or the Federal Endangered Species Act.
2. It provides habitat for wildlife which are of special concern to the County of Albany or those that are of special or unique local importance.
3. It contains habitats that contain or support occurrences of rare plant or wildlife species or ecological communities identified by the New York State Natural Heritage Program.
4. It contains habitat that provides breeding, feeding, nesting or resting areas for significant concentrations or populations of wildlife or is a locally important haven for wildlife.

5. It contains wetlands.
6. It contains tree specimens listed on the state or national tree size records list: large, old growth forest stands or vegetational communities which are unusual in the County or significant populations of protected plants as defined in the New York State Environmental Conservation Law.
7. It contains examples of forests or other vegetational communities that were, but are no longer, common in Albany County, or contains outstanding examples of such which are unique to Albany County.
8. It provides scenic views, natural beauty or important local visual buffers or noise buffers.
9. It contains significant prehistoric or historic cultural resources or is adjacent to sites containing significant cultural resources.
10. It contains significant prehistoric or historic cultural sites or is adjacent to prehistoric or historic cultural sites.
11. It provides an interconnection between two or more existing Albany County or state preserves.

SECTION 6. Inclusion of the Lawson’s Lake Preserve.

The Albany County Legislature hereby adds to the Albany County Nature and Historic Preserve System the lands known as the Lawson’s Lake Preserve. The Lawson’s Lake Preserve is located at 293 Lawson Lake Road in the Town of New Scotland. Situated on the eastern escarpment of the Helderberg Plateau and on the border of the towns of Coeymans and New Scotland, this 420-acre park includes a lake, wetlands, forested upland, open fields, waterfalls, and streams.

The lands known as the Lawson’s Lake Preserve are owned by Albany County and are described in two deeds: Trinity Institution Inc. to the County of Albany (a parcel of 457.9 acres), recorded in Liber 2188 of deeds at page 577 on May 28, 1980; and John W Coffey to the County of Albany (a parcel of 25.9 acres), recorded as Instrument R2021-4296 2188 on February 10, 2021.

SECTION 7. Inclusion of the Ann Lee Pond EcoRegion Preserve.

The Albany County Legislature hereby adds to the Albany County Nature and Historic Preserve System the lands known as the Ann Lee Pond EcoRegion Preserve, which lands were previously designated as a portion of the Albany County Nature and Historic Preserve by Albany County Legislature Resolution 158 for 1978. The Ann Lee Pond EcoRegion Preserve is located at 870 Watervliet Shaker Road in the Town of Colonie. Situated near the Albany County International Airport, this 180-acre area includes a large pond, wetlands, forest, and meadows.

The lands known as the Ann Lee Pond EcoRegion Preserve are owned by Albany County and are described in two deeds: Thomas Bergan to the County of Albany (a larger parcel which includes the Ann Lee Pond parcel of 175.4 acres), recorded in Liber 768 of deeds at page 394 on or around December 22, 1925; and Ashfield Associates to the County of Albany (a parcel of 5.894 acres), recorded in Liber 2656 of deeds at page 404 on May 19, 2004.

SECTION 8. Preserves Designated on Lands Not Owned by Albany County.

Albany County may consider the designation of private lands or public lands, other than those owned by the County, as preserves. Such designation shall be at the request of the private entity or public agency controlling the subject land and said preserve designation shall only ensue upon the execution of a cooperative management agreement between the County and the private or public owner. Said agreement shall include designation of responsibility for liability and a determination of reasonable financial remuneration required to maintain and manage the non-County preserve. Upon designation as a part of the Albany County Nature and Historic Preserve System, said lands shall be subject to all the requirements of this chapter.

SECTION 9. Administration.

The Preserve System shall be in the custody of and maintained by the Commissioner of Public Works and the Commissioner of Recreation of the County of Albany, under the guidelines and directives established by the County Legislature. Upon review and determination that particular parcels may be appropriate for addition to the Preserve, the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature may recommend parcels to the Albany County Legislature for proposed addition to the Preserve System.

SECTION 10. Regulations.

Individual Preserves may be maintained, altered or modified by Albany County to preserve, improve, alter or enhance their character, desirability, usefulness and sustainability to the people of the County. These regulations shall apply to all individual Preserves now contained within the Albany County Nature and Historical Preserve System, as well as all other nature and historical preserves subsequently acquired, designated, or established by Albany County.

SECTION 11. Management of Preserve System.

The Commissioner of Public Works of the County of Albany and the Department of Public Works shall be primarily responsible for and shall supervise the management of the Albany County Nature and Historic Preserve System, with assistance from other County departments and divisions as needed. Management of the Albany County Nature and Historic Preserve System shall be conducted as follows:

1. The Albany County Office of Natural Resource Conservation shall prepare a proposed general use plan for each separate Preserve in the Albany County Nature and Historic Preserve System.
 - a. In the preparation of such plan, environmental conservation, preservation, and sustainability efforts shall be considered foremost.
 - b. The general use plan shall include the types of passive and/or active uses which may be acceptable; shall identify significant sensitive areas which should be protected from human disturbance; shall recommend locations for new trails, parking, signs and access points; shall identify desirable restoration activities; shall determine hours, days, and seasons of use; shall recommend limits on access, if necessary; shall recommend the preparation of educational publications and displays; and shall include such other topics as may be deemed necessary and/or advisable.
 - c. The general use plan shall also designate zones within the separate Preserve to provide a framework for parks management. Management issues will vary between zones and on a Preserve-by-Preserve basis. The general use plan shall set forth the management policies for each separate zone. The zones which may be designated are:
 - i. Nature Reserve Zones – includes significant natural features that require management to ensure long-term protection of the natural heritage, such as woodlands, wetlands, meadows, waterways, ravines, gorges and escarpment faces, steep slopes, etc. Necessary management policies could include: identifying and protecting species and habitats of significance; delineating and enforcing mowing limits; using native plant species for re-vegetation and restoration efforts; and restricting uses to those with little or no negative impacts to vegetation, wildlife habitat, soil erosion or water quality; protecting natural features from degradation and visual impacts; developing and posting signage to promote appropriate uses; as well as such other policies as may be deemed necessary and/or advisable.

- ii. Recreation Zones (active and/or passive) – includes “maintained” landscape areas of the properties in which facilities development is permitted to support active and/or passive recreation activities such as sports fields, specialized activities, picnic areas, parking lots, etc. Necessary management policies could include: designing structures that are compatible with the surrounding environment; consolidating activity areas to minimize incursions into natural and open space zones; providing screening and buffering of developed areas; and maintaining scenic vistas and views.
- iii. Heritage Zones – includes areas of significant cultural heritage that require management to ensure the preservation of the assets. Necessary management policies could include: restoring historic structures to ensure heritage preservation, safety, and functionality; and providing screening and buffering of developed areas.
- iv. Service Zones – includes maintenance and service areas for the developed parks, as well as access points or staging areas where minimal use facilities are needed to support allowable uses within a Nature Reserve Zone. Necessary management policies could include: restricting development to areas where little or no negative impacts to vegetation, wildlife habitat, soil stability, or water quality will occur; consolidating uses and activity areas to minimize space requirements and reduce incursions into the natural and/or passive areas; and monitoring use and impacts on the natural environment and provide mitigation.
- d. During the planning process, the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature shall take steps to secure broad participation from Albany County residents, so as to ensure that the general use plan reflects community interests.
- e. The Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature may also consult with such other regional and municipal planning boards or agencies in the County as are necessary.
- f. Prior to approval of the general use plan for the Preserve, the Albany County Legislature shall conduct a Public Hearing on the plan.
- g. The general use plan for each Preserve shall be reviewed and updated periodically.

2. Upon dedication as a part of the Albany County Nature and Historic Preserve System, said Preserve shall be posted with appropriate signs identifying the land as an Albany County Preserve, and designating the applicable zones within the Preserve.

SECTION 12. Maintenance.

It shall be the continuing responsibility of the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature to monitor the Preserve System. These agencies shall report to the Albany County Legislature any deviations from the approved general use plan.

SECTION 13. Uses.

- A. Albany County Nature and Historical Preserve System lands shall each have rules and regulations in accordance with the general use plans, as adopted from time to time and updated jointly by the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature.
- B. Albany County Nature and Historical Preserve System lands shall be used as nature and historical preserves, for the purposes of recreation, historic and nature preservation, and promotion of sustainability and prevention of further climate change, including but not limited to, the cultivation of native tree species and the distribution thereof, at reasonable cost via the Albany County Soil and Water Conservation District, to units of local government and or the public.
 - a. At the Ann Lee Pond EcoRegion Preserve, the following uses are permitted: hiking, bird watching, picnicking, nature photography, outdoor education, shoreline fishing, snowshoeing, and cross country skiing.
 - b. At the Lawson's Lake Preserve, the following uses are permitted: hiking, bird watching, picnicking, fishing, ice fishing, nature photography, outdoor education, shoreline fishing, snowshoeing, kayaking, canoeing, ,and cross country skiing. Swimming may be permitted pursuant to special permit issued by the Commissioner of the Albany County Department of Recreation.
- C. Dogs are welcome in the Preserve System under the immediate control of an owner. Pet waste must be picked up and removed to protect water quality and maintain enjoyment of the trails.

D. Prohibited Acts.

- a. The following uses and activities are prohibited in all Preserves in the Albany County Nature and Historical Preserve System:
 - i. Using any preserve within Albany County outside of the designated hours of operation.
 - ii. Using fireworks of any kind, including sparkling devices.
 - iii. Possessing or consuming alcoholic beverages.
 - iv. Kindling, building, or using an open fire.
 - v. Overnight camping.
 - vi. Swimming, except by special permit at Lawson's Lake Preserve.
 - vii. Feeding or sheltering wildlife.
 - viii. Harassing or harming wildlife, or permitting a domestic animal to do so. This shall not include lawful fishing or ice fishing.
 - ix. Trapping wildlife or using any non-official trapping device.
 - x. Hunting or otherwise discharging any firearms, rifles, or bows of any type.
 - xi. Removing, destroying, or defacing any signs or postings prohibiting trespass, hunting, or trapping within any Albany County preserve.
 - xii. Vandalizing, spray painting, breaking, or damaging any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, or other surface in any Preserve.
 - xiii. Littering, dumping, or burying any refuse, rubbish, debris, yard waste, fill, soil, or vehicles.
 - xiv. Operating or using motorized watercraft on or within any body of water within any Albany County preserve.
 - xv. Operating any motorized vehicle on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain-motorized vehicles, snowmobiles, motorized-trail bikes, motorcycles, or any other motor-driven craft.

SECTION 14. Motorized Vehicles Restricted.

Motorized vehicles or motor-crafts of any sort, except for emergency vehicles and vehicles operated by police, environmental conservation officers, County officials or others on official business, are banned from Albany County Nature and Historical Preserve System lands, except for use on designated roadways (or trailways, for snowmobiles) and parking areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, motor boats or any other

motor-driven craft. This shall not apply to wheelchairs or motorized vehicles designed to enable individuals with disabilities.

SECTION 15. Hours.

Albany County Nature and Historical Preserve System lands shall generally be open for public use from dawn until dusk, every day of the year. These hours may be varied by written permission from the County Executive for special events, as well as by the general use plan for each individual Preserve.

SECTION 16. Responsibility for Loss, Damage, or Theft.

Albany County shall not be responsible for loss, damage, theft, or injury to private or personal property used while at an Albany County Nature and Historical Preserve System preserve, nor shall it be responsible for injuries sustained by reason of the public use of said facilities. Albany County Nature and Historical Preserve System preserves shall be used at the sole risk of the public.

SECTION 17. Removal of All or Portions of Lands from the Albany County Nature and Historical Preserve System.

In the future, an overriding and pressing public need may arise which may require the Albany County Legislature to consider the removal of all or a portion of a preserve from the Albany County Nature and Historical Preserve System. To remove the preserve designation, the Albany County Legislature must comply with the following requirements:

- A. All preserve designation removal requests shall be designated Type I actions under the State Environmental Quality Review Act.
- B. A public hearing on such request must be held before the Albany County Legislature.
- C. No decision of the Albany County Legislature shall be made on removal of all or part of a preserve designation for a period of 30 days after closing the public hearing. During that period, written comments shall be accepted by the Albany County Legislature.
- D. Any decision of the Albany County Legislature must comply with all applicable county, state, or federal laws and/or rules and regulations governing the disposition and/or alienation of public parkland.

SECTION 18. Penalties for Offenses.

Any person found to have violated any of the provisions of this chapter shall be guilty of a violation and shall be subject to the following:

- A. For a first offense, a civil penalty not to exceed \$500, in addition to restitution for damage to preserve property.
- B. For a second offense committed within a period of 18 months, a civil penalty not to exceed \$1,000, in addition to restitution for any damage to preserve lands or property.

SECTION 19. Severability.

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

SECTION 20. Effective Date.

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

RESOLUTION NO. 340

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “M” FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THE DISTRIBUTION OF ILLEGAL FIREARM AWARENESS NOTICES

Introduced: 9/12/22

By Mr. Mauriello and Burgdorf:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “M” for 2022, “A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THE DISTRIBUTION OF ILLEGAL FIREARM AWARENESS NOTICES,” is to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, October 25, 2022, 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.

LOCAL LAW “M” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THE DISTRIBUTION OF ILLEGAL FIREARM AWARENESS NOTICES

Introduced: 9/12/22

By Messrs. Mauriello and Burgdorf, Messrs. Collins, Drake, Grimm, Perlee, and Tunny; Mss. Lockart and Whalen:

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

SECTION 1. Title.

This Local Law shall be known as the “Stop Illegal Guns Now (SIGN) Law.”

SECTION 2. Legislative intent.

The purpose of this Local Law is to provide for and promote the safety of the general public by providing informational notices about the danger of illegal firearms.

This Legislature finds that crimes committed in New York State with firearms are typically perpetrated by individuals who possess the firearm illegally. A 2016 report by the Office of the New York Attorney General indicates 74% of the weapons recovered by law enforcement used in criminal activity were possessed illegally. A report issued by the United States Department of Justice in 2016 indicated more than half of State and Federal prisoners who had used a firearm during their offense possessed it illegally.

This Legislature believes that providing information to the public about the danger of, and instructions regarding the disposal of, illegal firearms can make Albany County safer.

SECTION 3. Definitions.

a. Notice-required home visit. Any home visit conducted by the Department for Aging, Department of Children, Youth, and Families, Department of Health, Department of Mental Health, Department of Probation, Department of Social Services, or the Veterans Services Bureau within the County of Albany, or by any organization contracting with Albany County for the purpose of providing services on behalf of Albany County or as part of a program offered in partnership with Albany County.

b. Notice-required public facility. Any building owned and operated by Albany County which is open for public entry, as well as any public structure employed by an organization contracting with Albany County for the purpose of providing services on

behalf of Albany County or as part of a program offered in partnership with Albany County.

SECTION 4. Illegal Firearm Awareness Notice

a. At every notice-required home visit, County personnel shall distribute a notice conspicuously stating, in no smaller than 26-point type and on paper at least 8 and ½ inches by 11 inches in bold print, the following warning:

WARNING

ILLEGAL GUNS ARE USED IN THE MAJORITY OF GUN-BASED CRIMES IN NEW YORK STATE. POSSESSION OF AN ILLEGAL GUN ENDANGERS EVERY MEMBER OF YOUR HOUSEHOLD AND COMMUNITY.

YOU CAN NOT BE CHARGED WITH ILLEGAL POSSESSION OF A FIREARM IF IT IS VOLUNTARILY SURRENDERED. IF YOU OR A LOVED ONE POSSESSES AN ILLEGAL FIREARM, YOU CAN VOLUNTARILY DISPOSE OF THE WEAPON BY CALLING THE ALBANY COUNTY SHERIFF'S DEPARTMENT AT (518) 487-5400.

b. Every notice-required public facility shall, in a prominent place, display a notice conspicuously stating, in no smaller than 26-point type and on paper at least 8 and ½ inches by 11 inches in bold print, the following warning:

WARNING

ILLEGAL GUNS ARE USED IN THE MAJORITY OF GUN-BASED CRIMES IN NEW YORK STATE. POSSESSION OF AN ILLEGAL GUN ENDANGERS EVERY MEMBER OF YOUR HOUSEHOLD AND COMMUNITY.

YOU CAN NOT BE CHARGED WITH ILLEGAL POSSESSION OF A FIREARM IF IT IS VOLUNTARILY SURRENDERED. IF YOU OR A LOVED ONE POSSESSES AN ILLEGAL FIREARM, YOU CAN VOLUNTARILY DISPOSE OF THE WEAPON BY CALLING THE ALBANY

**COUNTY SHERIFF'S DEPARTMENT AT (518)
487-5400.**

SECTION 5. Effective Date

This law shall take effect on the thirtieth day after it shall have become law, however, any obligations required of organizations contracting with Albany County shall take effect upon the creation or renewal of their contractual agreement with Albany County.

LOCAL LAW NO. "I" FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 6 FOR 2017: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW NO. 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g

Introduced: 9/12/22

By Mr. A. Joyce:

BE IT ENACTED by the Albany County Legislature, that Local Law No. 6 for 2017 "A Local Law of the County of Albany, New York Repealing the Wireless Communication Surcharge Authorized by Article 6 of the County Law of the State of New York set forth in Albany County Local Law 9 For 2009 and Imposing the Wireless Communications Surcharges Pursuant to the Authority of Tax Law §186-g" is hereby amended as follows:

Section 1. Amendment of existing Local Law.

Section 2, Imposition of wireless communication surcharges, is hereby amended by inserting the following language after subd. (c):

"(d) Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of Albany County on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County at a rate of ninety-five (95) cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of ninety-five (95) cents per retail sale, whether or not any tangible property is sold therewith.

(e) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2022.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three (3) percent of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance before its due date."

Section 2. Severability

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

Section 3. Effective Date.

This Local Law shall take effect December 1, 2022, and shall expire and be deemed repealed June 30, 2032.

LOCAL LAW “J” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

Introduced: 9/12/22

By Mr. Reidy and Ms. McLean Lane:

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

SECTION 1. Title.

This Local Law shall be known as the “Safe Gun Storage Law.”

SECTION 2. Legislative Intent.

Albany County is dedicated to protecting its residents. This Legislature finds that an average of 483 deaths and 76,127 non-fatal injuries per year are from unintentional shootings. Studies have shown that, when a firearm is easily accessible, the risk of unintentional shootings rises dramatically.

This Legislature further finds that the presence of an unsecured, easily accessible loaded weapon in the home increases the likelihood of death or injury from accidents and impulsive acts. Guns left unattended in the home should be kept locked or stored securely to prevent access by children and others who should not have access to them. Gun owners are responsible for keeping their firearms from falling into the hands of children and other unauthorized individuals.

The purpose of this Local Law is to provide for and promote the health, safety and welfare of the general public by requiring that all unattended weapons be either locked with an appropriate safety lock or otherwise stored in a safe storage depository so as to prevent unauthorized use.

SECTION 3. Definitions.

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

a. Weapon shall be defined as any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;

b. Serious physical injury and physical injury shall be defined as provided in Section 10.00 of the Penal Law.

c. Safety locking device shall mean a design adaptation, attached accessory or device installed, that when activated or installed prevents the discharge or firing of the weapon.

d. Safe storage depository shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein.

e. Person shall include corporation, partnership, business or other entity.

f. Operable shall mean, in relation to a weapon, that the weapon is capable, when loaded with ammunition, of being fired or discharged. A weapon which is appropriately locked with a safety lock or stored within a safe storage depository shall not be considered operable for purposes of this Local Law.

SECTION 4. Safety locks or safe storage depositories required.

No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon.

SECTION 5. Negligent storage of a weapon in the second degree.

A person is guilty of the negligent storage of a weapon in the second degree when he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian.

SECTION 6. Negligent storage of a weapon in the first degree.

A person is guilty of the negligent storage of a weapon in the first degree when, he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian and such weapon is discharged causing physical injury, serious physical injury or death to any person.

SECTION 7. Requirements at transfer of a weapon.

No person shall sell, deliver or transfer any weapon to another person unless the transferee is provided at the time of sale, delivery or transfer with a safety locking device that is capable of preventing that particular weapon from firing.

SECTION 8. Penalties.

1. Any violation of sections 4, 5, and/or 7 shall be a violation and shall be punished by imprisonment of not more than 15 days or by a fine of not more than \$1,000, or both.
2. Notwithstanding the foregoing, any person who violates sections 4, 5, and/or 7 and who has previously been found guilty of a violation of either of those provisions shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or by a fine of not more than \$1,500, or both.
3. Each violation of section 6 shall constitute a misdemeanor and a person found guilty of such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not more than \$3,000, or both.

SECTION 9. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 10. Effective Date

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

LOCAL LAW “K” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY BANNING DEADLY WEAPONS, DANGEROUS INSTRUMENTS, EXPLOSIVE DEVICES, AND POISONOUS GASES FROM ALBANY COUNTY FACILITIES

Introduced: 9/12/22

By Mr. Reidy:

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

SECTION 1. Title.

This Local Law shall be known as the “Albany County Safe Employees Law.”

SECTION 2. Legislative Intent.

The Albany County Legislature finds that: (1) deadly weapons and dangerous instruments often cause accidental deaths and injuries and are frequently used in the commission of crimes, particularly homicides and assaults; (2) physical possession of deadly weapons and dangerous instruments in County buildings by persons other than those on official business with authorization to carry such weapons or instruments poses a serious threat to the health, safety and general welfare of County public servants and other persons lawfully in County buildings; and (3) the presence of deadly weapons and dangerous instruments in County buildings, except by certain authorized officials, may seriously impair the performance of essential government functions.

In order to ensure essential government functions without fear, threat, intimidation, or harm to any person or function therein, the Albany County Legislature finds it necessary for the security, safety, protection and well-being of its employees, its property, and any individuals present thereupon, to place restrictions on the possession of deadly weapons and dangerous instruments by individuals in buildings owned, leased, operated, or controlled by Albany County.

SECTION 3. Definitions.

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

a. “Deadly Weapon” shall be defined as set forth in New York Penal Law Section 10, and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade

knife, gravity knife, pilium ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

b. “Dangerous Instrument” shall be defined as set forth in New York Penal Law Section 10, and means any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury (as those terms are defined in New York Penal Law Section 10). Dangerous Instruments include, but are not limited to, such items as knives, dirks, razors, stilettos, imitation pistols, or any other weapons, whether loaded or unloaded.

c. “County Building” means any building owned, leased, operated, or controlled by Albany County.

d. “Police Officer” shall be defined as set forth in New York Criminal Procedure Law Section 1.20.

e. “Peace Officer” shall be defined as set forth in New York Criminal Procedure Law Section 2.10.

SECTION 4. Physical Possession of Deadly Weapons or Dangerous Instruments in County Buildings Prohibited.

No person shall enter into and/or remain in a County Building while in possession of a deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas.

SECTION 5. Exceptions.

This Local Law shall not apply to any authorized peace officer or police officer, as defined in the New York Criminal Procedure Law, or any other official of the County, State or Federal Government who is duly authorized to possess such deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas while acting within the scope of their employment.

SECTION 6. Signs.

The Commissioner of Public Works shall cause to be posted, on walls, windows, or other locations as the Commissioner shall deem most visible to members of the general public entering the building, a sign with a red background and white lettering in no less than 9/16” size type reading as follows:

NOTICE:
**POSSESSING A FIREARM OR OTHER DEADLY WEAPON,
DANGEROUS INSTRUMENT, EXPLOSIVE DEVICE, AND/OR
POISONOUS GAS IN COUNTY BUILDINGS IS PROHIBITED.
VIOLATORS WILL BE PROSECUTED.**

SECTION 7. Penalties.

A. Unless person who carries or possesses a deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas in a County Building in violation of this Local Law shall be guilty of trespass, as an unclassified misdemeanor, and subject to punishment by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed 90 days, or both. Each day or part of a day which a violation continues shall constitute a separate violation.

B. In addition to any other penalties, Albany County may also maintain a civil trespass action and/or seek civil injunctions against violators of this Local Law.

C. In addition to any other penalties or civil actions, any person found to be in violation of this Local Law may be denied permission to enter any building owned, leased, or operated by Albany County or at any worksite of Albany County, or in a vehicle owned or leased by Albany County.

SECTION 8. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. Effective Date

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

LOCAL LAW “L” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM

Introduced: 9/12/22

By Messrs. Reinhardt, Perlee, Drake, Mauriello, Miller and Commisso:

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

SECTION 1. Title.

This Local Law shall be known as the “Albany County Nature and Historic Preserve System Law.”

SECTION 2. Legislative Intent and Purpose.

The Albany County Legislature recognizes the unique benefits that open spaces and historic sites and buildings provide to residents of the County, and wishes to establish regulations for the use and continued sustainability of nature and historical preserves owned or managed by the County.

The Albany County Legislature finds that nature preserves offer unmatched combinations of undeveloped land, scenic vistas and/or open space which can provide for management and preservation of rare, threatened or endangered species of flora and fauna, provide habitat for birds, fish and other wildlife, permit the study of the natural sciences, and provide areas for passive recreational uses.

The Albany County Legislature further finds that historical preserves offer an important way for us to share our understanding of the past with future generations. History teaches us new things about ourselves, and helps build toward the future. Sometimes historic preservation involves celebrating events, people, places, and ideas that we are proud of; other times it involves recognizing moments in our history that can be painful or uncomfortable to remember. Both are equally important.

Accordingly, the Albany County Legislature determines that certain open spaces and historic sites and buildings should be preserved for the benefit of the residents of Albany County, as a part of a County-wide Preserve System. The Legislature likewise finds that expenditures made in support of these nature and historical preserves are a proper County charge.

In 1976, the Albany County Legislature previously established the "Albany County Nature and Historic Preserve," which only ever contained one property – the Ann Lee Pond EcoRegion Preserve. In an effort to revamp and revitalize this program for

current environmental, ecological, and historical needs, the Albany County Legislature finds that it is appropriate to repeal the Local Laws which created the 1976 Preserve, and create a Preserve System to better protect, preserve, and enhance the natural and historical features of Albany County. This Preserve System will also address the ever-worsening effects of climate change by providing for forested parcels to sequester carbon in the atmosphere, helping to mitigate temperature fluctuation, preventing soil erosion, ensuring appropriate water quality, as well as serving many other beneficial functions.

SECTION 3. Repealer.

This Local Law expressly repeals, abrogates, and annuls Local Law Nos. 7 and 8 of 1976, which established the "Albany County Nature and Historic Preserve."

SECTION 4. Establishment of the Albany County Nature and Historic Preserve System.

The Albany County Legislature hereby establishes a Preserve System to be known as the Albany County Nature and Historic Preserve System. This Preserve System shall consist of those land areas and historic sites and buildings designated by the County Legislature to be a part of the Preserve System. The interests of the County can be that of ownership, or rights of lesser degree such as open space easements, conservation easements, easements calling for the maintenance and preservation of historic sites and buildings, or co-management agreements.

SECTION 5. Qualifications for Preserves.

To be considered for inclusion in the Albany County Nature and Historic Preserve System, a parcel of real property must meet one or more of the following criteria:

1. It provides habitat for endangered, threatened or special concern wildlife species, as listed in the New York State Environmental Conservation Law or the Federal Endangered Species Act.
2. It provides habitat for wildlife which are of special concern to the County of Albany or those that are of special or unique local importance.
3. It contains habitats that contain or support occurrences of rare plant or wildlife species or ecological communities identified by the New York State Natural Heritage Program.
4. It contains habitat that provides breeding, feeding, nesting or resting areas for significant concentrations or populations of wildlife or is a locally important haven for wildlife.

5. It contains wetlands.
6. It contains tree specimens listed on the state or national tree size records list: large, old growth forest stands or vegetational communities which are unusual in the County or significant populations of protected plants as defined in the New York State Environmental Conservation Law.
7. It contains examples of forests or other vegetational communities that were, but are no longer, common in Albany County, or contains outstanding examples of such which are unique to Albany County.
8. It provides scenic views, natural beauty or important local visual buffers or noise buffers.
9. It contains significant prehistoric or historic cultural resources or is adjacent to sites containing significant cultural resources.
10. It contains significant prehistoric or historic cultural sites or is adjacent to prehistoric or historic cultural sites.
11. It provides an interconnection between two or more existing Albany County or state preserves.

SECTION 6. Inclusion of the Lawson's Lake Preserve.

The Albany County Legislature hereby adds to the Albany County Nature and Historic Preserve System the lands known as the Lawson's Lake Preserve. The Lawson's Lake Preserve is located at 293 Lawson Lake Road in the Town of New Scotland. Situated on the eastern escarpment of the Helderberg Plateau and on the border of the towns of Coeymans and New Scotland, this 420-acre park includes a lake, wetlands, forested upland, open fields, waterfalls, and streams.

The lands known as the Lawson's Lake Preserve are owned by Albany County and are described in two deeds: Trinity Institution Inc. to the County of Albany (a parcel of 457.9 acres), recorded in Liber 2188 of deeds at page 577 on May 28, 1980; and John W Coffey to the County of Albany (a parcel of 25.9 acres), recorded as Instrument R2021-4296 2188 on February 10, 2021.

SECTION 7. Inclusion of the Ann Lee Pond EcoRegion Preserve.

The Albany County Legislature hereby adds to the Albany County Nature and Historic Preserve System the lands known as the Ann Lee Pond EcoRegion Preserve, which lands were previously designated as a portion of the Albany County Nature and Historic Preserve by Albany County Legislature Resolution 158 for 1978. The Ann Lee Pond EcoRegion Preserve is located at 870 Watervliet Shaker Road in the Town of Colonie. Situated near the Albany County International Airport, this 180-acre area includes a large pond, wetlands, forest, and meadows.

The lands known as the Ann Lee Pond EcoRegion Preserve are owned by Albany County and are described in two deeds: Thomas Bergan to the County of Albany (a larger parcel which includes the Ann Lee Pond parcel of 175.4 acres), recorded in Liber 768 of deeds at page 394 on or around December 22, 1925; and Ashfield Associates to the County of Albany (a parcel of 5.894 acres), recorded in Liber 2656 of deeds at page 404 on May 19, 2004.

SECTION 8. Preserves Designated on Lands Not Owned by Albany County.

Albany County may consider the designation of private lands or public lands, other than those owned by the County, as preserves. Such designation shall be at the request of the private entity or public agency controlling the subject land and said preserve designation shall only ensue upon the execution of a cooperative management agreement between the County and the private or public owner. Said agreement shall include designation of responsibility for liability and a determination of reasonable financial remuneration required to maintain and manage the non-County preserve. Upon designation as a part of the Albany County Nature and Historic Preserve System, said lands shall be subject to all the requirements of this chapter.

SECTION 9. Administration.

The Preserve System shall be in the custody of and maintained by the Commissioner of Public Works and the Commissioner of Recreation of the County of Albany, under the guidelines and directives established by the County Legislature. Upon review and determination that particular parcels may be appropriate for addition to the Preserve, the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature may recommend parcels to the Albany County Legislature for proposed addition to the Preserve System.

SECTION 10. Regulations.

Individual Preserves may be maintained, altered or modified by Albany County to preserve, improve, alter or enhance their character, desirability, usefulness and sustainability to the people of the County. These regulations shall apply to all individual Preserves now contained within the Albany County Nature and Historical Preserve System, as well as all other nature and historical preserves subsequently acquired, designated, or established by Albany County.

SECTION 11. Management of Preserve System.

The Commissioner of Public Works of the County of Albany and the Department of Public Works shall be primarily responsible for and shall supervise the management of the Albany County Nature and Historic Preserve System, with assistance from other County departments and divisions as needed. Management of the Albany County Nature and Historic Preserve System shall be conducted as follows:

1. The Albany County Office of Natural Resource Conservation shall prepare a proposed general use plan for each separate Preserve in the Albany County Nature and Historic Preserve System.
 - a. In the preparation of such plan, environmental conservation, preservation, and sustainability efforts shall be considered foremost.
 - b. The general use plan shall include the types of passive and/or active uses which may be acceptable; shall identify significant sensitive areas which should be protected from human disturbance; shall recommend locations for new trails, parking, signs and access points; shall identify desirable restoration activities; shall determine hours, days, and seasons of use; shall recommend limits on access, if necessary; shall recommend the preparation of educational publications and displays; and shall include such other topics as may be deemed necessary and/or advisable.
 - c. The general use plan shall also designate zones within the separate Preserve to provide a framework for parks management. Management issues will vary between zones and on a Preserve-by-Preserve basis. The general use plan shall set forth the management policies for each separate zone. The zones which may be designated are:
 - i. Nature Reserve Zones – includes significant natural features that require management to ensure long-term protection of the natural heritage, such as woodlands, wetlands, meadows, waterways, ravines, gorges and escarpment faces, steep slopes, etc. Necessary management policies could include: identifying and protecting species and habitats of significance; delineating and enforcing mowing limits; using native plant species for re-vegetation and restoration efforts; and restricting uses to those with little or no negative impacts to vegetation, wildlife habitat, soil erosion or water quality; protecting natural features from degradation and visual impacts; developing and posting signage to promote appropriate uses; as well as such other policies as may be deemed necessary and/or advisable.

- ii. Recreation Zones (active and/or passive) – includes “maintained” landscape areas of the properties in which facilities development is permitted to support active and/or passive recreation activities such as sports fields, specialized activities, picnic areas, parking lots, etc. Necessary management policies could include: designing structures that are compatible with the surrounding environment; consolidating activity areas to minimize incursions into natural and open space zones; providing screening and buffering of developed areas; and maintaining scenic vistas and views.
- iii. Heritage Zones – includes areas of significant cultural heritage that require management to ensure the preservation of the assets. Necessary management policies could include: restoring historic structures to ensure heritage preservation, safety, and functionality; and providing screening and buffering of developed areas.
- iv. Service Zones – includes maintenance and service areas for the developed parks, as well as access points or staging areas where minimal use facilities are needed to support allowable uses within a Nature Reserve Zone. Necessary management policies could include: restricting development to areas where little or no negative impacts to vegetation, wildlife habitat, soil stability, or water quality will occur; consolidating uses and activity areas to minimize space requirements and reduce incursions into the natural and/or passive areas; and monitoring use and impacts on the natural environment and provide mitigation.
- d. During the planning process, the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature shall take steps to secure broad participation from Albany County residents, so as to ensure that the general use plan reflects community interests.
- e. The Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature may also consult with such other regional and municipal planning boards or agencies in the County as are necessary.
- f. Prior to approval of the general use plan for the Preserve, the Albany County Legislature shall conduct a Public Hearing on the plan.
- g. The general use plan for each Preserve shall be reviewed and updated periodically.

2. Upon dedication as a part of the Albany County Nature and Historic Preserve System, said Preserve shall be posted with appropriate signs identifying the land as an Albany County Preserve, and designating the applicable zones within the Preserve.

SECTION 12. Maintenance.

It shall be the continuing responsibility of the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature to monitor the Preserve System. These agencies shall report to the Albany County Legislature any deviations from the approved general use plan.

SECTION 13. Uses.

- A. Albany County Nature and Historical Preserve System lands shall each have rules and regulations in accordance with the general use plans, as adopted from time to time and updated jointly by the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature.
- B. Albany County Nature and Historical Preserve System lands shall be used as nature and historical preserves, for the purposes of recreation, historic and nature preservation, and promotion of sustainability and prevention of further climate change, including but not limited to, the cultivation of native tree species and the distribution thereof, at reasonable cost via the Albany County Soil and Water Conservation District, to units of local government and or the public.
 - a. At the Ann Lee Pond EcoRegion Preserve, the following uses are permitted: hiking, bird watching, picnicking, nature photography, outdoor education, shoreline fishing, snowshoeing, and cross country skiing.
 - b. At the Lawson's Lake Preserve, the following uses are permitted: hiking, bird watching, picnicking, fishing, ice fishing, nature photography, outdoor education, shoreline fishing, snowshoeing, kayaking, canoeing, ,and cross country skiing. Swimming may be permitted pursuant to special permit issued by the Commissioner of the Albany County Department of Recreation.
- C. Dogs are welcome in the Preserve System under the immediate control of an owner. Pet waste must be picked up and removed to protect water quality and maintain enjoyment of the trails.

D. Prohibited Acts.

- a. The following uses and activities are prohibited in all Preserves in the Albany County Nature and Historical Preserve System:
 - i. Using any preserve within Albany County outside of the designated hours of operation.
 - ii. Using fireworks of any kind, including sparkling devices.
 - iii. Possessing or consuming alcoholic beverages.
 - iv. Kindling, building, or using an open fire.
 - v. Overnight camping.
 - vi. Swimming, except by special permit at Lawson's Lake Preserve.
 - vii. Feeding or sheltering wildlife.
 - viii. Harassing or harming wildlife, or permitting a domestic animal to do so. This shall not include lawful fishing or ice fishing.
 - ix. Trapping wildlife or using any non-official trapping device.
 - x. Hunting or otherwise discharging any firearms, rifles, or bows of any type.
 - xi. Removing, destroying, or defacing any signs or postings prohibiting trespass, hunting, or trapping within any Albany County preserve.
 - xii. Vandalizing, spray painting, breaking, or damaging any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, or other surface in any Preserve.
 - xiii. Littering, dumping, or burying any refuse, rubbish, debris, yard waste, fill, soil, or vehicles.
 - xiv. Operating or using motorized watercraft on or within any body of water within any Albany County preserve.
 - xv. Operating any motorized vehicle on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain-motorized vehicles, snowmobiles, motorized-trail bikes, motorcycles, or any other motor-driven craft.

SECTION 14. Motorized Vehicles Restricted.

Motorized vehicles or motor-crafts of any sort, except for emergency vehicles and vehicles operated by police, environmental conservation officers, County officials or others on official business, are banned from Albany County Nature and Historical Preserve System lands, except for use on designated roadways (or trailways, for snowmobiles) and parking areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, motor boats or any other

motor-driven craft. This shall not apply to wheelchairs or motorized vehicles designed to enable individuals with disabilities.

SECTION 15. Hours.

Albany County Nature and Historical Preserve System lands shall generally be open for public use from dawn until dusk, every day of the year. These hours may be varied by written permission from the County Executive for special events, as well as by the general use plan for each individual Preserve.

SECTION 16. Responsibility for Loss, Damage, or Theft.

Albany County shall not be responsible for loss, damage, theft, or injury to private or personal property used while at an Albany County Nature and Historical Preserve System preserve, nor shall it be responsible for injuries sustained by reason of the public use of said facilities. Albany County Nature and Historical Preserve System preserves shall be used at the sole risk of the public.

SECTION 17. Removal of All or Portions of Lands from the Albany County Nature and Historical Preserve System.

In the future, an overriding and pressing public need may arise which may require the Albany County Legislature to consider the removal of all or a portion of a preserve from the Albany County Nature and Historical Preserve System. To remove the preserve designation, the Albany County Legislature must comply with the following requirements:

- A. All preserve designation removal requests shall be designated Type I actions under the State Environmental Quality Review Act.
- B. A public hearing on such request must be held before the Albany County Legislature.
- C. No decision of the Albany County Legislature shall be made on removal of all or part of a preserve designation for a period of 30 days after closing the public hearing. During that period, written comments shall be accepted by the Albany County Legislature.
- D. Any decision of the Albany County Legislature must comply with all applicable county, state, or federal laws and/or rules and regulations governing the disposition and/or alienation of public parkland.

SECTION 18. Penalties for Offenses.

Any person found to have violated any of the provisions of this chapter shall be guilty of a violation and shall be subject to the following:

- A. For a first offense, a civil penalty not to exceed \$500, in addition to restitution for damage to preserve property.
- B. For a second offense committed within a period of 18 months, a civil penalty not to exceed \$1,000, in addition to restitution for any damage to preserve lands or property.

SECTION 19. Severability.

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

SECTION 20. Effective Date.

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

LOCAL LAW “M” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THE DISTRIBUTION OF ILLEGAL FIREARM AWARENESS NOTICES

Introduced: 9/12/22

By Messrs. Mauriello and Burgdorf, Messrs. Collins, Drake, Grimm, Perlee, and Tunny; Mss. Lockart and Whalen:

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

SECTION 1. Title.

This Local Law shall be known as the “Stop Illegal Guns Now (SIGN) Law.”

SECTION 2. Legislative intent.

The purpose of this Local Law is to provide for and promote the safety of the general public by providing informational notices about the danger of illegal firearms.

This Legislature finds that crimes committed in New York State with firearms are typically perpetrated by individuals who possess the firearm illegally. A 2016 report by the Office of the New York Attorney General indicates 74% of the weapons recovered by law enforcement used in criminal activity were possessed illegally. A report issued by the United States Department of Justice in 2016 indicated more than half of State and Federal prisoners who had used a firearm during their offense possessed it illegally.

This Legislature believes that providing information to the public about the danger of, and instructions regarding the disposal of, illegal firearms can make Albany County safer.

SECTION 3. Definitions.

a. Notice-required home visit. Any home visit conducted by the Department for Aging, Department of Children, Youth, and Families, Department of Health, Department of Mental Health, Department of Probation, Department of Social Services, or the Veterans Services Bureau within the County of Albany, or by any organization contracting with Albany County for the purpose of providing services on behalf of Albany County or as part of a program offered in partnership with Albany County.

b. Notice-required public facility. Any building owned and operated by Albany County which is open for public entry, as well as any public structure employed by an organization contracting with Albany County for the purpose of providing services on

behalf of Albany County or as part of a program offered in partnership with Albany County.

SECTION 4. Illegal Firearm Awareness Notice

a. At every notice-required home visit, County personnel shall distribute a notice conspicuously stating, in no smaller than 26-point type and on paper at least 8 and ½ inches by 11 inches in bold print, the following warning:

WARNING

ILLEGAL GUNS ARE USED IN THE MAJORITY OF GUN-BASED CRIMES IN NEW YORK STATE. POSSESSION OF AN ILLEGAL GUN ENDANGERS EVERY MEMBER OF YOUR HOUSEHOLD AND COMMUNITY.

YOU CAN NOT BE CHARGED WITH ILLEGAL POSSESSION OF A FIREARM IF IT IS VOLUNTARILY SURRENDERED. IF YOU OR A LOVED ONE POSSESSES AN ILLEGAL FIREARM, YOU CAN VOLUNTARILY DISPOSE OF THE WEAPON BY CALLING THE ALBANY COUNTY SHERIFF'S DEPARTMENT AT (518) 487-5400.

b. Every notice-required public facility shall, in a prominent place, display a notice conspicuously stating, in no smaller than 26-point type and on paper at least 8 and ½ inches by 11 inches in bold print, the following warning:

WARNING

ILLEGAL GUNS ARE USED IN THE MAJORITY OF GUN-BASED CRIMES IN NEW YORK STATE. POSSESSION OF AN ILLEGAL GUN ENDANGERS EVERY MEMBER OF YOUR HOUSEHOLD AND COMMUNITY.

YOU CAN NOT BE CHARGED WITH ILLEGAL POSSESSION OF A FIREARM IF IT IS VOLUNTARILY SURRENDERED. IF YOU OR A LOVED ONE POSSESSES AN ILLEGAL FIREARM, YOU CAN VOLUNTARILY DISPOSE OF THE WEAPON BY CALLING THE ALBANY

**COUNTY SHERIFF'S DEPARTMENT AT (518)
487-5400.**

SECTION 5. Effective Date

This law shall take effect on the thirtieth day after it shall have become law, however, any obligations required of organizations contracting with Albany County shall take effect upon the creation or renewal of their contractual agreement with Albany County.



DANIEL P. MCCOY
COUNTY EXECUTIVE

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

KAREN ZIEGLER
DIRECTOR

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

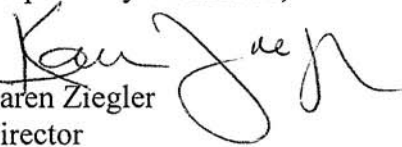
September 13, 2022

Dear Chairman Joyce:

The New York State Division of Criminal Justice Services has notified CVSVC that the current grant period has been extended for an additional 12 months. I request the Legislature's approval to be allowed to accept this funding extension as it provides funding to support Rape Crisis Services programming. This funding will allow the Albany County Crime Victim and Sexual Violence Center to provide services to sexual assault victims in Albany County. This award will provide funding from October 1, 2022 through September 30, 2023 in the amount of \$94,240. This award is the second of two optional one-year renewals. As the grant year begins October 1, 2022, I request permission to immediately accept the award.

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

Respectfully Submitted,


Karen Ziegler
Director

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



County of Albany

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

Legislation Text

File #: TMP-3588, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract extension between NYS Division of Criminal Justice Services and CVSVC for Sexual Assault Crisis and Prevention Services

Date:	9/12/2022
Submitted By:	K Ziegler
Department:	CVSVC
Title:	Director
Phone:	518-447-7100
Department Rep.	
Attending Meeting:	kziegler

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 10/1/2022

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

Contract Terms/Conditions:

Party (Name/address):

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

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: 94240
Scope of Services: To provide Rape Crisis Services and Prevention Programming to sexual assault victims in Albany County.

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

CONCERNING ALL REQUESTS

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

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

County Budget Accounts:

Revenue Account and Line: A4610 03497
Revenue Amount: 94240

Appropriation Account and Line: See attached spreadsheet
Appropriation Amount: 94240

Source of Funding - (Percentages)

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

Term

Term: (Start and end date) October 1, 2022-September 30, 2023
Length of Contract: 12 months

Impact on Pending Litigation

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

Previous requests for Identical or Similar Action:

Resolution/Law Number: 415
Date of Adoption: 11/8/2021

Justification: (state briefly why legislative action is requested)

The New York State Division of Criminal Justice Services has notified CVSVC that the current grant period has been extended for an additional 12 months. I request the Legislature's approval to be allowed to accept this funding extension as it provides funding to support Rape Crisis Services programming. This funding will allow the Albany County Crime Victim and Sexual Violence Center to provide services to sexual assault victims in Albany County. This award will provide funding from October 1, 2022 through September 30, 2023 in the amount of \$94,240. This award is the second of two optional one-year renewals. As the grant year begins October 1, 2022, I request permission to immediately accept the award.

Ziegler, Karen

From: Fontenot, Sabrina (DCJS) <Sabrina.Fontenot@dcjs.ny.gov>
Sent: Thursday, September 8, 2022 2:57 PM
Subject: DCJS - RC20 Period 3

Hello,

Congratulations! Your Sexual Assault Crisis and Prevention Program Funding – RC20 Period 3 is now ready for contract development.

**If you have a modification being processed you will not see your Period 3 award until the modification is approved and the contract reads "Contract Executed".*

Below is a list of instructions that will help you submit the best information and avoid processing delays:

Please log into your Grants Gateway account and begin to upload the required documents, make any proposed budget revisions in Grants Gateway as soon as possible.

To assist here is the Grants Gateway link: <https://grantsgateway.ny.gov/>

Below is step by step guidance regarding the information your agency must provide **before** you submit your application. Please follow the instructions for each Link under the Forms Menu in Grants Gateway. Please feel free to contact me if you need any assistance.

Grants Gateway: Please make sure that your agency is **Pre-Qualified** in Grants Gateway.

Contract Information: Answer the question(s) in this section.

Project/Site Addresses: Answer the question(s) in this section.

Program Specific Questions: Answer the answers in this section.

Expenditure Budget: Please review and make changes to your budget, be sure not to exceed the award amount. Enter a narrative for all categories included in your budget.

****For Personal Services:** Please consolidate duplicate titles onto one line item. A title should be on its own line, even if percentages of time for the individuals are different and salaries are different. See example below:

Position/Title: Victim Service Liaison

Role/Responsibility: coordinates and provides training for allied professionals (*Brief Description*)

In Title: 4 (Number of staff in this title)

Annualized Salary per position: \$39,123.55 (AVG of all salaries)

STD Work Week 40 (hrs): (AVG of hours worked)

% Funded: .30 (This can be an average as well)

Months Funded: 12
Total Grant Funds: \$15,000 (Amount in Line Total)
Total Match Funds: 0

In the Personal Services - Salary Narrative section for each funded staff position, indicate the average annual salary (or hourly rate of pay), average number of hours in a standard work week, average percentage of time devoted to grant activities for each line item, and duties of the position.

Work Plan: Review your work plan. **This work plan is what you will have to report on quarterly.**

File Folder(s): Required documents **Upload to the Grantee Folder:**

- ✓ Workers' Compensation and NYS Disability Insurance Certificates with NYS DCJS as the certificate holder,
- ✓ Completed MWBE forms, and
- ✓ Sexual Harassment Prevention Certification.

Please upload these documents to the *Grantee Document Folder* **BEFORE** submitting your contract in order avoid processing delays.

*MWBE Requirements: Grantees receiving awards more than \$25,000 must submit a Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) and Local Assistance MWBE NPS Discretionary Budget Determination Worksheet (DCJS-3309). The DCJS-3309 should mirror the budget entered in Grants Gateway.

For awards more than \$250,000, applicants must also submit an MWBE Equal Employment Opportunity Staffing Plan (DCJS-3300). **Please upload these documents to the Grantee Document Folder BEFORE submitting your contract in order avoid processing delays.**

All DCJS forms can be found under the Community Resources tab on the DCJS website: <http://www.criminaljustice.ny.gov/> . Just click "Community Resources" and select "Grants & Funding." From the Grants & Funding page, click "Applicant & Grantee Resources." **Please upload completed MWBE forms to the grantee document folder BEFORE submitting your contract in order avoid processing delays.**

Once you have completed all the Links under Forms Menu and uploaded ALL required documents to the Grantee Document Folder, it is now ready to be submitted. You will find "Apply Status" under the Status Changes link along the top of your screen next to Forms Menu. I will contact you if I have any questions during my review process. Please feel free to contact me if you have any concerns or need assistance.

Thank you,

Sabrina Fontenot
Public Safety Grants Representative
Office of Program Development and Funding

New York State Division of Criminal Justice Services
80 South Swan St., Albany, NY 12210
(518) 485-7923 | sabrina.fontenot@dcjs.ny.gov

www.criminaljustice.ny.gov

Personnel

A 4610 11028 001 450001	Director
A 4610 12232 001 450003	Clinical Supervisor
A 4610 12235 001 450005	CV Therapist 1
A 4610 12235 002 450006	Child CV Therapist (Kendra)
A 4610 12233 001 450025	Child CV Therapist 2 (Kateri)
A 4610 12272 001 450026	Campus SA Coordinator
A 4610 12237 004 450011	CV Caseworker 1 (Adjoa)
A 4610 12237 003 450010	CV Caseworker 2 (Belkis)
A 4610 12237 005 450012	CV Caseworker 3 (Carolyn)
A 4610 12237 001 450008	CV Caseworker (Hanna)
A 4610 12238 001 450018	Supervising CW (Bernard)
A 4610 12243 001 450029	Coordinator of Community Education
A 4610 12254 001 450020	Volunteer Coordinator
A 4610 16401 002 450017	Confidential Secretary

A 4610 19982 On Call Pay

Fringe 89010 - 89060

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

RESOLUTION NO. 415

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING SEXUAL ASSAULT CRISIS AND PREVENTION SERVICES

Introduced: 11/8/21

By Law Committee, Ms. Lekakis, Mr. Simpson and Ms. Willingham:

WHEREAS, By Resolution No. 315 for 2019, this Honorable Body authorized an agreement with the New York State Division of Criminal Justice Services regarding sexual assault crisis and prevention services in the amount of \$97,194 for the term commencing October 1, 2019 and ending September 30, 2020 with two one-year options to renew, and

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement, the second of two one-year renewal options, with the New York State Division of Criminal Justice Services regarding sexual assault crisis and prevention services in the amount of \$94,240 for the term commencing October 1, 2021 and ending September 30, 2022, 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 sexual assault crisis and prevention services in the amount of \$94,240 for the term commencing October 1, 2021 and ending September 30, 2022, 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 - 11/8/21



DANIEL P. MCCOY
COUNTY EXECUTIVE

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

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

August 24, 2022

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 authorization to apply for the Second Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction grant funding up to \$750,000 with no match.

This grant is administered by the New York State, Office of Indigent Services. The Second Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction funding will be used to support Albany County's Public Defender's, Conflict Defender's and Assigned Counsel's ability to expand pivotal services to those in need as well as reduce the influx in cases received from Family Court. This new effort is in direct response to the lack in quality given to populations disproportionately represented. Operational capacity will be increased with the hiring of one attorney in the Public Defender's Office, the integration of one non-attorney Social Worker in the Conflict Defender's Office in addition to deliver services other than counsel to its panel attorneys. This investment into Albany County's Public Defender's Office will allow for enhanced services to be provided to parent(s) in the County of Albany who lack the resources to respond effectively to government action following the temporary or permanent removal of a child from their home. If you should have any questions, please do not hesitate to contact me.

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-3534, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Authorization to Apply for the Second Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant

Date:	08/24/2022
Submitted By:	Aliyah McFarlane
Department:	County Executive's Office
Title:	Policy Analyst
Phone:	518-447-7040
Department Rep.	Aliyah McFarlane
Attending Meeting:	Aliyah McFarlane

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) To apply for the Second Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant. The maximum amount to be rewarded to any one county is \$750,000 (\$250,000 per year for three years).

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: NYS Office of Indigent Legal Services
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 9/14/2022

- 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):

Office of Indigent Legal Services
Alfred E. Smith, 11th Floor
80 South Swan Street
Albany, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: Up to \$750,000

Scope of Services: This grant will be utilized to improve the quality of representation provided by the Public Defender's Office, Conflict Defender's Office and Assigned Counsel to parent(s) accused of child maltreatment who cannot afford to retain counsel.

Bond Res. No.: Resolution No. 366

Date of Adoption: 10/21/2021

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) February 2023- February 2026
Length of Contract: 3 years from the execution of the contract

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)

These grant funds will be utilized to hire an Attorney for the Public Defender's Office, a Social Worker for the Conflict Defender's Office as well as to deliver services other than counsel to its panel attorneys. These funds will allow for an expansion of services and reduce caseloads in these departments. There is no match for this grant. Click or tap here to enter text.

New York State Office of Indigent Legal Services

Funding Announcement

Second Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant

NYS Office of Indigent Legal Services Request for Proposals

The New York State Office of Indigent Legal Services (ILS) 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,” ILS, 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 ILS and the 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, August 2, 2022
Questions Due By	Monday, August 15, 2022 5:00 p.m. ET (Q & A period closed)
Answers Posted By	Wednesday, August 24, 2022
Proposal Due Date	Wednesday, September 14, 2022 5:00 p.m. ET
Award Announcement	November 2022
Tentative Contract Start Date	February 2023

Intent of this Request for Proposals

ILS is announcing the availability of funds and soliciting proposals from New York State counties to develop new, innovative programs or practices to improve the quality of

representation provided to parents¹ accused of child maltreatment who cannot afford to retain counsel, including reduced attorney caseloads, pre-petition access to counsel, practice integration of non-attorney professionals such as social workers and parent advocates, and high-caliber training opportunities.

The intent of this Request for Proposals (RFP) is to support local initiatives aimed at improving the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10.² Quality legal representation for parents in these proceedings is of heightened importance since the individuals targeted are disproportionately poor, Black and Indigenous, and typically lack the information, resources, and social capital necessary to respond effectively to government action which often includes temporary or permanent removal of a child from the parent. Improvements in this area will also promote better Family Court decision-making, reduce the needless separation of children from their families, save foster care costs, diminish disparate racial impacts, and reduce long-term costs to the state and to counties.

Section I: Background

Parents' interest in their children's care and custody is one of the oldest and most fundamental liberty interests recognized by law.³ Depriving a parent of the right to raise a child is "often ... the more grievous" compared to a prison sentence.⁴ 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 life."⁵ Moreover, children have their own legal interest and right to be raised by their parent.⁶

Recognizing the need for due process protection of the fundamental liberty interests of family integrity and family autonomy, in 1972 the New York State Court of Appeals held that poor parents accused by the government of child maltreatment (Family Court Act Article 10) have a

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.

² In this RFP, the terms "child welfare," "child protective" and "State intervention" are used interchangeably and refer generally to abuse and/or neglect proceedings pursuant to Article 10 of the Family Court Act, as well as foster care placement, termination of parental rights, surrender, destitute minor, and permanency planning proceedings. Child protective services agencies are referred to as "CPS" or "DSS" agencies.

³ *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

⁴ *Lassister v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

⁵ *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

⁶ 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.

constitutional right to publicly-funded legal representation.⁷ Citing the “gross inherent imbalance of experience and expertise” between the State and an unrepresented parent, the *Ella B.* Court reasoned 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.”⁸ In 1975, this decision was codified in §§ 261 and 262 of the New York Family Court Act. Family Court Act § 261 emphasizes that parents have a constitutional right to assigned counsel to protect the “fundamental interests and rights” implicated in various types of family law cases. Accordingly, our 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.⁹

Despite these well-established constitutional and statutory mandates, attorneys representing parents in Article 10 matters face multiple challenges in providing quality representation. These challenges are detailed in the February 2019 *Interim Report of the Commission on Parental Representation* (2019 Interim Report). Convened by Chief Judge Janet DiFiore, the Commission’s mandate is “to examine the current state of representation for indigent parents in constitutionally and statutorily mandated family-related matters, and to develop a plan to ensure the future delivery of quality, cost-effective parental representation across the state.”¹⁰ The Commission found that the most prominent challenges parental representation providers face are overwhelming attorney caseloads, insufficient access to essential supports and resources, and failure to provide parents with timely access to counsel.

ILS’ *Standards for Parental Representation in State Intervention Matters* call for, “...sufficient time and resources necessary to provide high quality representation to each client.”¹¹ Establishment of and compliance with caseload standards is an effective means of ensuring sufficient time and resources, and in fact, there are existing caseload caps for attorneys representing children¹² and for attorneys representing indigent criminal defendants.¹³ In its 2019

⁷ *Matter of Ella B.*, 30 N.Y.2d 352 (1972).

⁸ *Id.* at 356-357 (cites omitted).

⁹ *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).

¹⁰ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 4. This report is available at: http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf.

¹¹ New York State Office of Indigent Legal Services *Standards for Parental Representation in State Intervention Matters*, See D-2. <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>

¹² 22 NYCRR § 127.5.

Interim Report, the Commission on Parental Representation acknowledged that there are no existing caseload standards for attorneys representing parents in Family Court matters, and recommended an initial client cap of 50 to 60 clients in child welfare/family defense matters.¹⁴ This temporary cap was recommended as a stopgap measure to mitigate the difficulty of providing effective representation with existing caseloads; the Commission further called for a study of caseloads to inform what final caseload standards should be adopted. Per this recommendation, ILS, in cooperation with the Office of Court Administration, undertook an exhaustive and informed study and at its June 11, 2021 meeting, the ILS Board approved the *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases* ("ILS caseload standards").¹⁵ The ILS Board approval of these standards was made contingent on the availability of state funding to enforce them.

State funding has been made available to effectuate caseload standards in criminal cases. But while New York has "made significant strides in improving the representation of indigent criminal defendants in recent years"¹⁶ as a result of the *Hurrell-Harring v. The State of New York* settlement and subsequent state funding to expand those improvements statewide, mandated representation of parents in Article 10 matters continues to be under-funded and under-resourced.¹⁷ Notably, the federal government has stepped in to assist states and local municipalities in their efforts to improve the quality of family defense: in 2019 the federal Children's Bureau issued revised and new policies that allow state Title IV-E agencies (the Office of Children and Family Services (OCFS) in New York) to obtain federal subsidy for certain expenses related to representation of parents in all stages of child protective matters, from CPS investigations through terminations of parental rights and appeal proceedings.¹⁸ For these reasons, this RFP is targeted specifically for caseload reduction and quality improvement initiatives for the representation of assigned counsel eligible parents in child welfare/family defense matters.

¹³ Executive Law § 832 (4); ILS, A Determination of Caseload Standards, ILS, A Determination of Caseload Standards pursuant to § IV of the *Hurrell-Harring v State of New York Settlement* (Dec. 2016), available at <https://www.ils.ny.gov/files/Caseload%20Standards%20Report%20Final%20120816.pdf>.

¹⁴ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 34.

¹⁵ This document is available at: [Caseload Standards Parents Attorneys NYS Family Court.pdf](#).

¹⁶ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 9. http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf

¹⁷ *Memorandum in Support of State Funding for Mandated Parental Representation*, New York State Bar Association, Committee on Families and the Law (January 2018), <https://nysba.org/app/uploads/2020/02/CORRECTED-FINAL-4-17-2018.pdf>

¹⁸ *Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Well-Being*, ACYF-CB-IM-21-06, U.S. Dep't of Health and Human Services, Administration for Children and Families, Children's Bureau, (January 14, 2021), <https://www.acf.hhs.gov/cb/policy-guidance/im-21-06>; see also Mark Hardin, *Claiming Title IV-E Funds to Pay for Parents' and Children's Attorneys: A Brief Technical Overview*, Child Law Practice Today, American Bar Association (February 2019), https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/claiming-title-iv-e-funds-to-pay-for-parents-and-childrens-attor/

Section II: Project Description – What is This RFP Seeking to Achieve?

ILS has established this RFP to assist counties in implementing initiatives that improve the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10. Please note:

- **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 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.**
- **Funding of proposals is limited to the representation of clients pursuant to County Law Article 18-B in Family Court Act Article 10 matters, and all other Family Court petition types that occur during the representation of the client at all stages of the Article 10 matter, including during a CPS investigation before court action is initiated.**¹⁹

While no one specific basis is required to secure an award, nor do the bases noted here constitute an exclusive list, proposals are sought for the provision of mandated representation in such matters that would enhance existing services, create new and innovative approaches which address the quality of representation, or both, including:

- *Reduced caseloads*: Proposals that seek to reduce attorney caseloads to enhance the quality of representation in Family Court Act Article 10 proceedings are strongly encouraged. Such proposals should identify protocols that will be implemented, explain how the protocols will reduce caseloads, and, if relevant, describe how a caseload-reducing protocol will be implemented in relation to other quality enhancement measures.
- *Increased access to and use of specialized services*: As set forth in the ILS *Standards for Parental Representation in State Intervention Matters*, a multi-disciplinary approach is foundational to quality representation in Family Court Act Article 10 cases. Proposals that involve new or increased access to and utilization of specialized resources including social workers, parent advocates, expert witnesses, or administrative supports are also encouraged.

¹⁹ ILS understands that clients facing Family Court Article 10 matters often face other Family Court petition types during the pendency of the Article 10 matter. To promote comprehensive and holistic representation of clients, the funding from this RFP can be used for representation on these other petition types that arise during the representation of a client on an Article 10 matter.

- *Pre-petition representation.* Proposals that seek to connect parents with timely legal representation during the Child Protective Services (CPS) investigation, prior to the filing of any court petition, are strongly encouraged. As noted in the *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, such pre-petition representation in child welfare proceedings can “contribute to more expeditious provision of appropriate, individualized services to families; assist in placing children with relatives, rather than in foster care with strangers; prevent unnecessary removals of children; and avoid unnecessary court proceedings.”²⁰

When developing proposals, counties are strongly encouraged to:

- Propose plans that address obstacles to quality representation faced by **all** of the county’s providers of mandated representation in Family Court matters (primary provider and conflict provider[s]).
- Incorporate enhanced access to high-caliber trainings, including legal content and skills-based training.
- Include initiatives that promote compliance with ILS’ *Standards for Parental Representation in State Intervention Matters*.²¹

Section III: Funding and Contract Period

Grants awarded under this RFP will be issued for a period of three years. The total available funds for awards are \$12,000,000 (\$4,000,000 per year for each of three years). The total available funds will not necessarily be divided equally, nor will selected applicants be guaranteed the entire amount requested.

The maximum amount to be awarded to any one county is \$750,000.00 (\$250,000 per year for three years). Counties may submit proposals either at or less than the maximum amount. If additional funds become available, ILS reserves the right to approve additional projects under the authority of this funding announcement or restore funding.

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

Only New York State counties, other than counties wholly encompassed within New York City, are eligible to apply. Proposals must be submitted by an authorized county official or designated

²⁰ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 22.

²¹ *Standards for Parental Representation in State Intervention Matters*, New York State Office of Indigent Legal Services (2015), <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>.

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> 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 only, citing the RFP page and section, by 5:00 p.m. Eastern Time (ET) on **Monday, August 15, 2022** to QA@ils.ny.gov. Questions received after the deadline will not be answered.

When corresponding by email, clearly indicate the subject as: **“Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction RFP.”**

Questions and answers will be posted online by **Wednesday, August 24, 2022** at: <https://www.ils.ny.gov/node/224/pending-rfps>. The name of the party submitting the question will not be posted.

Application Submission

Applications may be submitted via mail, email, or hand delivery. All submissions must contain the complete application. Only complete applications will be reviewed and evaluated.

All applications must be received by Wednesday, September 14, 2022 at 5:00 p.m. ET. 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
11th Floor, Suite 1147
80 South Swan Street
Albany, NY 12210

By email: Electronically submitted proposal applications must be emailed to RFP@ils.ny.gov. All required documents or attachments must be included in the electronic submission.

When corresponding by email, clearly indicate the subject as: **“Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction RFP.”**

After you submit your application at RFP@ils.ny.gov you will receive an email confirming receipt of the application. If you do not receive an email 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. Cover Page (not more than two (2) pages in length)
2. Proposal Narrative (not more than ten (10) pages in length)
3. Budget and Cost
 - a. Budget (see Attachment A of this RFP)
 - b. Budget Justification (not more than four (4) pages in length)

Section VI: Proposal Application

I. COVER PAGE (not scored)

Provide a cover page with your proposal which includes the information listed below. **To ensure uniformity, please limit the length of the cover page to no more than two (2) pages (double-spaced, with margins of 1 inch on all sides, using no less than a 12-point font).**

The cover page should include the following information:

1. Identification of the county requesting funds;

2. 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. Amount of funding requested; and
5. A concise description of the proposed project, no more than three sentences long.

II. PROPOSAL NARRATIVE (90 points)

Please address the questions listed below in the order and format in which they are presented. Each response should be numbered and identify the specific item being addressed. Applicants will be evaluated on the information they provide. Please do not submit information that is not specifically requested. **The Proposal Narrative should not be more than ten (10) pages in length (double-spaced, with margins of 1 inch on all sides, using no less than a 12-point font).**

A. Plan of Action

1. Describe the obstacles to providing quality representation in Family Court Act Article 10 matters that your county's providers of mandated representation confront and that your plan is intended to address. The obstacles identified should be ones that can be addressed by this funding, which may include, but not be limited to, the impact of excessive caseloads, lack of early intervention/pre-petition services, insufficient access to specialized services that allow for a multi-disciplinary approach to representation, insufficient access to training, etc. (10 Points)
2. Describe the plan you will implement to address the obstacles to providing quality representation you identified in Question #1 (e.g., excessive caseloads, lack of early intervention/pre-petition services, insufficient access to specialized services that allow for a multi-disciplinary approach to representation, insufficient access to training, etc.). In your response, please do not describe plans for training; if training is part of your plan, please address it in Question #4 below. (20 Points)
3. Describe the specific role all of the providers of mandated Family Court representation in your county have in your plan. (10 Points)
4. Identify any training or mentoring that will be provided to meet your plan objectives, and which positions, including supervisory staff, will receive the training/mentoring. (10 Points)
5. Describe the current Family Court staffing structure for all of the providers of Family Court representation in your county, and any anticipated changes required to implement your plan, including whether existing staff will perform tasks, or if new staff will need to be hired. (5 Points)

6. Describe how you will assure your plan is feasible and how you will monitor the plan such that obstacles to implementation can be identified and necessary adjustments made. (5 Points)
7. Specify how your plan is expected to achieve greater compliance with ILS standards, particularly ILS *Standards for Parental Representation in State Intervention Matters*. Specific standards should be referenced. (5 Points)

B. Data Collection, Performance Measurement, and Evaluation

8. Describe the metrics that will be used to demonstrate that your plan has been successfully implemented. For example, if your plan is to reduce caseloads, specify how you will measure caseloads in a way that is appropriate to gauge implementation of your plan.²² If your plan will increase access to non-attorney professional support services, specify how you will show that these resources, or attorney access to them, was increased. (5 Points)
9. Describe the specific improvements in the quality of representation that you anticipate resulting from your plan, and how these will be measured. For example, if your plan is to reduce caseloads, specify the attorney behavior you expect to see as a result of reduced caseloads. If your plan is to increase access to non-attorney professional services, specify how you will measure utilization of these services and the impact on the quality of representation. Where possible, also provide ‘baseline’ figures for the measures you will use which reflect the situation in your program as it stands at present if such measures are available. (10 Points)
10. Describe how you will collect the data necessary for Questions #8 and #9. Indicate whether you will use your current case management system or whether staffing, programmatic, or technological changes need to be made to track required data and how these would be accomplished, including implementation of office protocols for collecting information or changes to your case management system or other systems for maintaining and reporting data. (5 Points)

C. Applicant Capability and Personnel

11. Identify who will be the lead person(s) responsible for plan implementation, and their qualifications. If the plan includes more than one provider of mandated representation, please specify the lead person(s) for each provider. (2 points)
12. Describe how and to what extent you consulted with the leader of each provider of Family Court representation under Article 18-B of the County Law. If applicable, describe the willingness of other agencies to cooperate in the implementation of your plan. (3 Points)

²² ILS recognizes that for many counties, the funding made available in this RFP will not be sufficient for compliance with the ILS *Caseload Standards for Parents’ Attorneys in New York State Family Court Mandated Representation Cases*. Nonetheless, applicants seeking to reduce attorney caseloads should refer to these standards both for a sense of the optimum attorney caseloads in Family Court matters and for information about measuring caseloads.

III. BUDGET & COST (30 points)

Grant applications will be evaluated and rated on consistency with the proposed action plan, efficient use of funds and overall cost-effectiveness, and clarity.

- **The Budget should be constructed using the attached Budget Form;**
- **the Budget Justification should not be more than four (4) pages in length (double-spaced, with margins of 1” on all sides, using no less than a 12-point font).**

The completed Attachment A: Budget Form is not part of the two-page limit.

13. Using the attached Budget Form, provide a detailed **three-year budget** containing reasonable and necessary costs. The budget for the proposed project must be consistent with the terms of the RFP and mathematically correct. (8 Points)
14. The Budget Justification should briefly **explain each budget line**, justifying the budget request, and relating the requested line budget amount to the plan of action and expected results. The justification should correspond with the information and requested amount provided in the Budget. (20 Points)
15. The Budget Justification should also describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. (2 Points)

Complete the attached Budget Form (Attachment A) and return with the proposal.

Section VII: Review and Selection Process

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

The first level entails a Pass/Fail review, conducted by ILS staff, to ensure that the application is responsive to the conditions set forth in the RFP. ILS 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 ILS, including page limits;
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 evaluation 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 justification. The proposal review and rating will be conducted using

the criteria stated in this Funding Announcement. ILS 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 120 points to each application; individual scores will be averaged to determine the applicant's score. Applicants' scores will be ranked in order. ILS 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 "Plan of Action" portion of the proposal, and if these scores are the same, next the "Budget and Cost" 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, ILS reserves the right to allocate the grant funds in a manner that best suits program needs as determined by ILS. Such a plan will be subject to review and approval by the Office of the State Comptroller.

Awarding of Grants

Contract Development Process

It is anticipated that applications will be reviewed and that successful applicants will be notified of funding decisions in November 2022. All commitments are subject to the availability of state funds. The proposal review team will recommend to ILS the highest ranked proposals that fully meet the terms of the RFP. The funds will be awarded in rank order from the highest to the lowest proposal scores. 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 ILS will establish a mutually agreed upon final budget and work plan, which become the contract deliverables.

As part of the contract with ILS, grantees will be required to submit annual progress reports to ILS. These reports should include a narrative of 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 II of the proposal will be required to be reported in aggregate form to ILS 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 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. ILS 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.

ILS 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, ILS may begin contract negotiations with the next highest scoring qualified applicant(s).

Debriefings

Unsuccessful applicants may, within ten (10) business days of notification of non-selection, request a debriefing with ILS to discuss the evaluation of their proposal. Such request may be submitted in writing to QA@ils.ny.gov.

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

Funding for this RFP has been appropriated to improve the quality of mandated parental representation and is intended to supplement (add to, not replace) county resources for supplying such representation.

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.

Attachment A: 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			

RESOLUTION NO. 366

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE UPSTATE FAMILY DEFENSE (CHILD WELFARE) QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT

Introduced: 10/12/21
By Law Committee:

WHEREAS, The Albany County Executive has requested authorization to submit a grant application to the New York State Office of Indigent Legal Services regarding the Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction grant in an amount of up to \$500,000 over a three-year term, and

WHEREAS, The County Executive has indicated that this funding will be used to improve the quality of representation to parents accused of child maltreatment who cannot afford to retain counsel by developing a program that includes pre-petition access to counsel, integration of non-attorney professionals such as social workers and parent advocates, and other specialized training opportunities, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the New York State Office of Indigent Legal Services regarding the Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction grant in an amount of up to \$500,000 over a three-year term, and, be it further

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

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