

LOCAL LAW NO. "H" FOR 2016

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING VARIOUS PROVISIONS OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED AND FOR THE PURPOSE OF INCORPORATING THE PROBATION DEPARTMENT AND THE BOARD OF ELECTIONS INTO THE ALBANY COUNTY CHARTER**

Introduced: 7/11/16

By Messrs. Crouse, Tunny, Hogan and Ms. Lockart:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by to read as follows by adding, deleting, and amending various provisions (All numerical references to existing Charter Articles and Sections):

*Amend Section 101 to read as follows:*

**Section 101. Title and purpose.**

This Charter, together with any and all amendments, shall provide for and constitute the form of government for Albany County and be known as the "Albany County Charter." Among the purposes of this Charter are the separation of County legislative and executive functions and responsibilities; the coordination of planning and economic development; the securing of the greatest possible County home rule; the encouragement of inter-governmental cooperation among the cities, towns and villages throughout the County; and the increase of efficiency, economy and responsibility in Albany County government.

*Amend Section 102 to read as follows:*

**Section 102. County status, powers and duties.**

Albany County shall be and remain a municipal corporation and exercise all of the rights, privileges, functions and powers conferred upon it by this Charter and any other applicable ~~statute~~ law not inconsistent with this Charter. Albany County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with this Charter, including all powers necessarily incidental to, or which may be fairly implied from, the powers specifically conferred upon it.

*Amend Section 103 to read as follows:*

**Section 103. Charter effect on State laws.**

This Charter provides a form and structure of County government in accordance with the provisions of Article 4 of the Municipal Home Rule Law of the State of New York. All special laws relating to Albany County and all general laws of the State of New York (the “State”) shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Albany County by enactment and adoption of this Charter. Within the limitations prescribed in ~~the~~ Article 4 of such Municipal Home Rule Law, wherever and whenever any State law, general, special or local in effect, conflicts with this Charter or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as ~~the Albany County and its government~~ is ~~are~~ affected.

*Amend Section 104 to read as follows:*

**Section 104. Charter effect on local laws, ordinances and resolutions.**

All local laws, and ordinances, and resolutions of the County Legislature previously adopted and all of the laws of the ~~s~~State relating to the towns, cities, villages or districts of the County, shall continue in full force and effect, except to the extent that such laws have been repealed, amended, modified, or superseded in their application to ~~the~~ Albany County by the enactment and adoption of this Charter. All local laws and ordinances of the County Legislature previously adopted which remain in effect and hereafter adopted shall be part of the County’s Administrative Code as set forth in this Charter. Resolutions adopted by the County Legislature shall be part of the County’s Administrative Code upon designation for that purpose by either the County Legislature or the County Executive.

*Section 106 is amended in part to read as follows:*

**Section 106. Definitions.**

Whenever used in this Charter unless expressly stated otherwise, or unless the subject matter otherwise requires, the following terms shall have the meanings indicated:

*Amend the following definition of “Administrative Code” in Section 106 to read as follows:*

“Administrative Code” shall mean the Albany County Administrative Code, ~~if any~~, adopted by the County Legislature as mandated by this Charter.

*Add the following definition in Section 106 after the definition of “Administrative Head”:*

“Authorized Agency” shall mean any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by County Law, to receive and expend County funds for a County purpose.

*Amend the definition of “Capital Program” in Section 106 to read as follows:*

“Capital Program” shall mean the plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects and the proposed method of financing in accordance with Article 6 of this Charter. ~~It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:~~

~~(i) a description of the proposed project and the estimated total cost;~~

~~(ii) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and~~

*Amend the definition of “Capital Project” in Section 106 to read as follows:*

“Capital Project” shall mean any project involving:

(i) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired;

(ii) any preliminary studies and surveys relating to any physical betterment or improvement;

(iii) fixed assets;

~~(iii)~~ (iv) land or rights in land; or

~~(iv)~~ (v) any combination of i, ii, ~~or~~ iii, or iv.

*Amend the definition of “Final Annual Budget” in Section 106 to read as follows:*

“Final Annual Budget” The final annual budget of the County, as adopted ~~by the County Legislature by December 20 of each year~~ pursuant to Article 6 of this Charter.

*Add the following definition in Section 106 after the definition of “Final Annual Budget”:*

“Fixed Assets” shall mean an asset or assets of a long-term tangible character which are intended to be held or used, such as land, buildings, improvements, machinery and equipment.

*Add the following definition after the definition of “Legislative Budget Report”:*

“Legislative District” shall mean a geographical area of Albany County which is entitled to elect a County Legislator.

*Reletter and renumber the subdivisions of Section 106 in alphabetical and numerical order.*

*Amend Section 201 to read as follows:*

### **Section 201. County Legislators; status and title**

The legislative branch of the government of the County shall consist of an elective governing body which shall be known as the Albany County Legislature. Its members shall be known as County Legislators. ~~The County Legislators~~ One person shall be elected from each of the districts into which the County shall be divided as provided in this Charter. The County Legislature shall constitute the legislative, appropriating and policy determining body of the County.

*Amend Section 203 to read as follows:*

### **Section 203. Organizational; officers; committees**

(a) The County Legislature shall meet on or before January 8th following its election, and in each even numbered year thereafter, for the purpose of organization and for the transaction of such other business as may come before it. Written notice shall be given to each Legislator by the Clerk of the County Legislature not later than five (5) days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this Section, notice shall be given by the County Clerk. After such organizational meeting, the County Legislature shall hold monthly meetings on the days designated in the rules of the County Legislature, and at such other times as it may fix by resolution, duly adopted by a vote of a

majority of the Whole Number of the County Legislature, or as authorized by its rules.

(b) At the organizational meeting of the County Legislature a permanent Chairperson shall be elected. The Chairperson shall serve until the next organizational meeting of that County Legislature. In case of her death, removal, resignation or retirement from the County Legislature, a successor Chairperson shall be elected for the unexpired term. In the event of a failure to elect a permanent chairperson on any day provided in this Charter, the County Legislature shall adjourn from day to day, Sundays and holidays excepted, until a Chairperson is elected. The Clerk shall preside until such time as a Chairperson has been elected.

(c) The Chairperson shall have and may cast the vote to which she is entitled as a member of the County Legislature.

(d) At the organizational meeting of the County Legislature in January ~~1996~~ 2016, and at each organizational meeting thereafter, the County Legislature shall appoint a Clerk, a deputy clerk, and such ~~m~~Majority and ~~m~~Minority ~~e~~Counsels as it may deem appropriate, together with such other employees as it may deem necessary. Such officers and employees of the County Legislature shall serve until the next organizational meeting of the County Legislature. Any ~~m~~Majority and ~~m~~Minority ~~e~~Counsels which may be appointed shall be appointed in the manner provided for in the rules of the County Legislature. The deputy clerk shall perform the duties of the Clerk in the Clerk's absence and such other duties in connection with that office as directed by the County Legislature or Clerk. The Clerk and deputy clerk shall each give a bond in amount, and with such sureties as the County Legislature shall require. The Counsel to the Majority and Counsel to the Minority shall be appointed in accordance with the rules of the County Legislature, and their compensation shall be within the limits of appropriations approved by the County Executive. At the time of their appointments, and throughout their time in office, the Majority Counsel and Minority Counsel shall be duly admitted to practice law in the State of New York. The rules of the County Legislature shall provide for the method and procedure of the appointment and retention of staff and employees of the County Legislature within the limits of appropriation approved by the County Executive. The Majority Counsel and staff shall serve at the pleasure of the Majority Leader, and the Minority Counsel and staff shall serve at the pleasure of the Minority Leader. Majority Counsel and Minority Counsel shall prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature, together with notices and other items in connection herewith.

(e) The County Legislature shall have power to enact local laws, resolutions or rules fixing the dates and time of its sessions, which shall govern the conduct of the

members at such sessions and the manner of transacting business, prescribe penalties for the failure of members to attend stated or adjourned meetings and the manner of enforcing or collecting such penalties, and fix the time when and the form in which reports shall be made to the County Legislature by any officer of the County.

(f) The standing committees prescribed by the rules of the County Legislature, or by any local law adopted by the County Legislature, or which may hereafter be adopted by the County Legislature, shall be appointed by the Chairperson within twenty days of the Chairperson's election. Such appointments shall be in writing and filed with the Clerk of the County Legislature, who shall give notice of such appointments to the members of the County Legislature. The committee members shall continue in office until successors have been appointed, but no member of the County Legislature whose term shall have expired, or who shall have resigned or been removed from office, shall continue to serve on any committee after she has ceased being a member of the County Legislature.

(g) The rules of the County Legislature shall indicate the proportionate make-up of majority and minority members of committees.

*Amend Section 204 to read as follows:*

**Section 204. Compensation of County Legislators, Chairperson, Clerk, deputy clerk, and other employees of the County Legislature.**

The County Legislature shall have the power to fix the compensation of its members and the Chairperson, which compensation shall be a stated annual salary to be paid in equal monthly installments by the ~~County director of finance (the "Director of Finance")~~ Commissioner of Management and Budget. The County Legislature may, however, fix the initial compensation of the County Legislature prior to the next election of such County Legislature. The compensation of the members and the Chairperson shall not be increased nor decreased during the term of office.

*Section 208 is amended to delete subdivision (k) and reletter remaining subdivisions in sequential order.*

*Delete existing Section 209 and add new Section 209 to read as follows*

**Section 209. Confirmation of appointments.**

A proposed appointment to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the County Legislature in writing

in sufficient time to allow the Clerk to inform the full County Legislature of the proposed appointment at least two (2) weeks prior to the County Legislature's next scheduled meeting. If the County Legislature fails to confirm such proposed appointment within sixty (60) days after filing with the Clerk, the appointment shall be deemed confirmed. When an appointment is rejected by the County Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive without the approval of the County legislature.

*Add new Section 210 to read as follows:*

**Section 210. Submission of enactments for executive approval; veto and veto override.**

(a) Except as otherwise provided in this Charter, the County Executive shall have power, within ten (10) days, or in the case of a local law thirty (30) days, after its presentation to him or her by the Clerk, to veto any legislation passed by the County Legislature, except local laws and any such legislation which relates to the internal organization and operation of the County Legislature, and appointments made by the Legislature, including, but not limited to:

(i) the creation, operation, funding and abolition of standing and special committees of the County Legislature, standing boards and commissions created pursuant to this Charter and temporary studies, commissions, committees, task forces or other such groups created by the County Legislature;

(ii) the appointments to boards, commissions or other such bodies by the Chairperson or the County Legislature, where the legislation creating such bodies authorizes the appointment of members to such bodies by the Chairperson or the County Legislature;

(iii) the day-to-day operations of the County Legislature;

(iv) the organization of the County Legislative staff, including the creation and abolition of positions for such staff and the compensation to be paid for such positions; and the appointment and removal of such County Legislative staff; and 14

(v) the adoption, amendment or repeal of rules of the County Legislature.

A copy of such legislation shall immediately after its passage be separately certified by the Clerk and filed by the Clerk with the County Executive within five (5) days after its passage.

(b) If the County Executive approves it, he or she shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If the County Executive vetoes it,

he or she shall return it to the Clerk with his or her objections stated, in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered upon its record, journal or minutes of the proceeding.

(c) Except as otherwise provided in this Charter, the County Legislature, within forty-five (45) days after its return to the Clerk, may, by a three-fifths (3/5) vote of the whole number of its members, override such veto. Only one (1) vote shall be had to override such veto, which shall be taken by roll call and entered upon its record, journal or minutes of the proceeding. Wherever, as provided for in this Charter, a three-fifths (3/5) vote of the whole number of the County Legislature's members is required to override a certain action taken by the County Executive, if a fraction exists in the computation of such three-fifths (3/5), then it will be required to round up to the next whole number for determination of such three-fifths (3/5) vote.

(d) If any of such legislation shall not be returned by the County Executive within ten (10) days after it shall have been presented to him or her, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he or she had approved and signed it.

(e) The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

*Add new Section 211 to read as follows:*

### **Section 211. Administrative Code.**

The County Legislature shall enact and amend an Administrative Code organizing the administration of County government, and setting forth the details thereof, consistent with the provisions of this Charter. The Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. All local laws and ordinances shall be included in the Administrative Code, together with any resolutions designated for that purpose by either the County Legislature or the County Executive. It shall be the responsibility of the County Clerk to compile, publish, and disseminate the Administrative Code, and recommend revisions thereto, in a continuing program to provide greater efficiency and economy in the operation of government.

*Add new Section 212 to read as follows:*

**Section 212. Local laws; definitions; power to adopt amend and repeal; effect on legislative acts; procedure; referenda; effective date.**



(a) A local law is a law adopted pursuant to this Charter within the power granted by the New York State Constitution, act of the Legislature or provision of this Charter and shall not include a resolution, ordinance or legalizing act.

(b) The County Legislature may adopt, amend or repeal local laws by a majority vote of the whole number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the municipal Home Rule Law of the State of New York, the County may change, supersede or amend any act of the State Legislature.

(c) Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of mandatory and permissive referenda in connection therewith, shall be as provided in the Administrative Code or other applicable law.

(d) Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

*Add new Section 213 to read as follows:*

**Section 213. Filing and publication of local laws; judicial notice.**

The filing and publication of local laws shall be as provided by Section 27 of the Municipal Home Rule Law of the State of New York, and the court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto. Within five (5) days after the taking of effect of a local law, the Clerk shall file a certified copy thereof in the office of the County Clerk, and three (3) copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk shall cause to be published at least once as a County charge in the designated official newspaper a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

*Add new Section 214 to read as follows:*

**Section 214. Resolutions; adoption, amendment and repeal.**

(a) The County Legislature may adopt, amend and repeal resolutions by a majority vote of the whole number of its members. Each resolution shall embrace only one (1) subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.

(b) Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

*Add new Section 215 to read as follows:*

### **Section 215. Ordinances.**

Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, except also for any filing requirements. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature. Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine or imprisonment or by two (2) or more such penalties or punishments. Ordinances and their application, including particular subjects and form, may be further provided in the Administrative Code.

*Amend Section 302 to read as follows:*

### **Section 302. Powers and duties.**

The County Executive shall be the chief executive and elective officer of the County government. Except as may be otherwise provided in this Charter, the County Executive shall have and exercise all the executive powers and duties now or hereafter conferred or imposed upon him or her by this Charter and any applicable law upon a county executive officer or the executive branch of County government, including, but not necessarily limited to, the following:

(a) Supervising the structure and organization of each department and any other administrative unit under her control and supervising, directing and controlling the administration of all departments and administrative units under her control.

(b) Reporting to the County Legislature on the activities of all administrative units by March 15 of each year.

(c) Appointing, subject to confirmation by the County Legislature, where so provided in this Charter, the administrative heads of all departments heads or other administrative units heads;

(i) Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk of the County Legislature and the County Clerk within a period of ~~forty five (45)~~ ninety (90) days from a vacancy in such department or administrative unit, as the case may be, the County Legislature may appoint such department head or administrative unit head. In no event, unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk of the County Legislature in the offices of both the Clerk of the County Legislature and the County Clerk;

(ii) In any event, the County Legislature must either confirm, or refuse to confirm, any such appointment within ~~forty five (45)~~ sixty (60) days after filing with the Clerk of the writing making such appointment or the appointment shall be deemed confirmed.

(iii) In the event the County Legislature refuses to confirm any such appointment, the County Executive shall make a new appointment for such position, which shall be subject to confirmation pursuant to the procedure set forth herein.

(iv) Any individual appointed, or subject to appointment by the County Executive and confirmed by the County Legislature shall serve at the pleasure of the County Executive, and no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except as otherwise provided by State Law or the provisions of this Charter. Appointing without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office, within the limits provided by provided by appropriation

*Renumber existing Section 302(f) as Section 302(h) and renumber Section 302(g) as Section 302(i).*

*Add new Section 302(f) to read as follows:*

(f) Approving or vetoing any local law, legalizing act, ordinance, or resolution, all as provided for in Article 2 of this Charter.

*Add new Section 302(g) to read as follows:*

(g) Authority to promote and execute economic development in the County;

*Delete existing Section 303 and add new Section 303 to read as follows:*

**Section 303. Vacancy.**

In the event of a vacancy in the office of County Executive as described in Section 30 of the Public Officers Law of the State of New York, such office shall be filled by appointment of a qualified elector of the County by vote of a majority of the whole number of members of the County Legislature. The appointment shall be made within thirty (30) days after the vacancy occurs. If the appointment is not made within said thirty (30) days, a special election shall be conducted to fill the vacancy within ninety (90) days after the vacancy; provided, however, that if there shall be a general election within one hundred twenty (120) days after said vacancy occurs, the vacancy shall be filled at the general election. The person appointed shall hold office by virtue of such appointment until the commencement of the calendar year next succeeding the first annual election after the happening of the vacancy at which a successor can be elected, at which election a County Executive shall be elected for the balance of the unexpired term, if any. The Acting County Executive designated in the manner prescribed in this Article shall serve during any vacancy in the office of County Executive until such vacancy is filled.

*Delete existing Section 306 and add new Section 306 to read as follows:*

**Section 306. Acting County Executive; how designated; when to act.**

(a) The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive to perform administrative duties of the County Executive in the event the County Executive is temporarily unable to perform the powers and duties of the office, as established by either (1) by the County Executive certifying in writing and filing with the County Clerk a statement that she is unable to perform or exercise such powers and duties; or (2), in the event that, upon advice sought by a majority of the whole number of members elected to the County Legislature by formal action not subject to veto by the County Executive, her inability to serve is certified by qualified and competent medical authority designated by, and subject to judicial review of, a Justice of the New York State Supreme Court.

(b) Only a Deputy County Executive and persons incumbent in County government in positions subject to confirmation by the County Legislature may be designated to any list of succession for possible service as Acting County Executive.

(c) If the Office of County Executive becomes vacant in the manner provided in Section 30 of the Public Officers Law of the State of New York, the person designated Acting County Executive shall serve in such position no longer than the earliest date at which the vacancy in the Office of County Executive is filled as provided for in this Article.

(d) At any time during the remainder of the term for which she was elected, a person elected as County Executive may file a retraction in writing with the County Clerk of her earlier statement of inability to perform or exercise the duties of office and immediately resume service in that office.

(e) At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform or exercise the duties of office by competent medical authority, but prior to the time a vacancy in the office would otherwise occur in the manner provided in Section 30 of the Public Officers Law of the State of New York, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office.

(f) The designation of an order of succession for the position of Acting County Executive shall be filed with the County Clerk and the Clerk of the County Legislature and may be revised at any time by the County Executive filing a new written designation of order of succession. In the absence of such written designation of order of succession, and in the event of the County Executive's inability to perform and exercise the powers and duties of her office, the County Legislature shall appoint a person then serving in a position subject to its confirmation as Acting County Executive.

(g) The Acting County Executive shall have and exercise all of the powers of the County Executive.

*Amend Section 403(b) to read as follows:*

(b) be the chief fiscal and auditing officer of the County; and the chief administrative officer of the Department of Audit and Control. The Comptroller shall organize the department into such administrative units as may be required.

*Amend Section 403(i) to read as follows:*

(i) perform such additional and related duties as may be prescribed by local law; or as may be directed by the County Executive or the County Legislature.

*Add new Section 405 to read as follows:*

**Section 405. Deputy and Assistant County Comptrollers and staff.**

The County Comptroller shall appoint such Deputy and Assistant Comptrollers, assistants and employees of the Department of Audit and Control within the appropriations made therefor. All Deputy and Assistant County Comptrollers, assistants and employees shall serve at the pleasure of the County Comptroller.

*Add new Section 406 to read as follows:*

**Section 406. Acting County Comptroller.**

The County Comptroller shall designate in writing, and in order of succession, the Deputy County Comptroller and assistants who shall be Acting County Comptroller in the event the County Comptroller's absence from the County or inability to perform and exercise the powers and duties of her office. Such designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Comptroller filing a new written designation and order of succession. The Acting County Comptroller shall have all the powers and perform all the duties of the County Comptroller. The provisions of Article 30 of the Public Officers Law relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Comptroller's designation of an Acting County Comptroller pursuant to this Section.

*Delete existing Section 503 and add new Section 503 to read as follows:*

**Section 503. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties.**

There shall be a within the Department of Management and Budget an independent Real Property Tax Service Agency headed by the Director of the Real Property Tax Agency. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. At the time of the Director's appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the Real property Tax Law of the State of New York. The Director shall be appointed on the basis of her administrative experience and other qualifications for the responsibilities of this

office, except that if the Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. The independent Real Property Tax Service Agency shall:

(a) Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law of the State of New York, including, but not limited to, the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their responsibilities;

(b) Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law of the State of New York;

(c) Perform such other and related duties as may be required by the County Executive or the County Legislature; and

(d) On or before the first (1st) day of March of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the Agency. The Agency shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

*Delete existing Section 603(b) and add new Section 603(b) to read as follows:*

(b) Departmental estimates. On or before the first (1st) day of July, each department and administrative unit head shall submit to the County Executive and County Legislature, in writing, and through such channels and processes as specified by the County Executive, an overall estimate for that department and administrative unit and estimates by program within that department and administrative unit of expected expenses and revenues for the next ensuing fiscal year. These estimates shall be called "departmental estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel for each program within each department or administrative unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the departmental or administrative unit submission, prepared in the same specified format for comparison purposes. Each departmental

estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be available and open to public inspection. In the event any department or administrative unit head fails to submit an estimate by the first (1st) day of July, the Commissioner of the Department of Management and Budget shall prepare an estimate for that department or administrative unit.

*Delete existing Section 603(c) and add new Section 603(c) to read as follows:*

(c) Review of requests. The Commissioner of the Department of Management and Budget, upon receipt of the departmental estimates, shall proceed to review such estimates with the heads of the department and administrative unit heads as the Commissioner of the Department of Management and Budget deems necessary. Officers or employees of the various departments and administrative units shall furnish data and information and answer inquiries pertinent to such review. The Audit and Finance Committee of the County Legislature shall be entitled to the information developed by the various departments and administrative units.

*Delete existing Section 603(d)(i) and add new Section 603(d)(i) to read as follows:*

(i) Budget Message. The County Executive shall submit with the tentative annual budget a budget message summarizing and explaining the main features of the tentative annual budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the County Legislature may by resolution require. The County Executive's budget message shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to date-actual and current fiscal year projected total expenditures and revenues. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital project proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

*Amend Section 603(d)(iv) to read as follows*



(iv) A legislative operational budget. The legislative operational budget shall include an estimate of appropriations required by the County Legislature for its operations, as submitted to the County Executive by the Clerk or such other officer or employee by the Chairperson no later than August 1, inclusive of any amendments made thereto and adopted pursuant to Section 604 of this Charter.

*Amend Section 604(a) to read as follows:*

(a) First public hearing. Not later than October 20, the Clerk shall cause to be published on the County's website and in the official newspapers, and such other newspapers as may be designated by the County Legislature, a notice of the place and time [not less than (5) days after such publication, nor later than October 30] at which the County Legislature will hold a public hearing on the tentative annual budget as submitted by the County Executive.

*Amend Section 604(c) to read as follows*

(c) Second public hearing. Not later than November 20, the Clerk shall cause to be published on the County's website and in the official newspapers, and such other newspapers as may be designated by the County Legislature, a notice of the place and time [not less than (5) days after such publication, nor later than December 1] at which the County Legislature will hold a public hearing on the proposed additions and/or deletions to the tentative annual budget.

*Amend Section 604(d)(v) to read as follows*

(v) Certification and availability Four (4) copies of the final annual budget as adopted, shall be Certified by the County Executive and the Clerk, and one (1) each of such copies shall be filed in the office of the County Executive, the office of the Comptroller, the office of the Director of Finance and the Office of the Clerk. The final annual budget as so certified shall be a public record and be printed or otherwise reproduced and copies shall be made available to the public on the County's website and at suitable places in the County.

*Amend Section 608(d) to read as follows*

(d) The method of financing for each capital expenditure and capital improvement; indicating:

(i) the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds;

(ii) the amount, if any, estimated to be received from the federal and/or state governments; and

(iii) the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued.

*Amend Section 609(a) to read as follows*

Notice and Hearing. The County Legislature shall publish on the County's website and in the official newspapers of the County, and such other newspapers as it may designate, a summary of the capital program and a notice stating:

(i) the times and places where copies of the Capital Program are available for inspection by the public; and

(ii) the time and place (which shall be not less than two weeks after such publication) for a public hearing on the Capital Program.

*Add Section 702(f) to read as follows:*

(f) Have all the powers and duties of a county director of planning and conservation or metropolitan or regional planning board, as authorized by law;

*Add Section 702(g) to read as follows:*

(g) Assist the County Planning Board in the performance of its duties and functions;

*Add Section 702(h) to read as follows:*

Organize within the Department of Public Works such administrative units as may be required, with approval of the County Executive, including, but not limited to, divisions of highways, parks and recreation, and highway engineering; and an Office of Natural Resources Conservation that shall be advisory to and assist the Commissioner, the County Executive and the County Legislature on matters related to the inventory, conservation, management, and use of the natural resources of the County and County compliance with related environmental regulations; and

*Add Section 702(e) to read as follows:*

Perform such other duties as may be required by the County Executive or the County Legislature.

*Delete existing A703 and add new Section A703 to read as follows*

**Section A703. Division of Code Enforcement**

There shall be within the Department of General Services a Division of Code Enforcement headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of her administrative experience and qualifications for the duties of the office. The Director shall enforce the New York State Uniform Fire Prevention and Building Code for all County owned buildings, premises and equipment and perform such other and related duties as may be required by the County Executive or the County Legislature.

*Amend Section 801 to read as follows*

**Section 801. Department of Social Services established; Commissioner; appointment; term; qualifications.**

There shall be a Department of Social Services headed by the Commissioner of Social Services. The Commissioner shall be appointed by the County Executive for a term prescribed by the Social Services Law of the State of New York, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of her administrative experience and qualifications for the duties of office as prescribed by such Social Services Law and the rules and regulations made pursuant thereto.

*Re-number existing 802(c) as Section 802(e)*

*Add new Section 802(c) to read as follows:*

(c) Represent the Department of Social Services in the maintenance of all contracts or communications with public or private agencies regarding aid to qualified needy persons throughout the County;

*Delete existing Section 802(d) and add new Section 802(d) to read as follows:*

(d) Publish and otherwise disseminate such information regarding administrative procedures and practices affecting the public as shall facilitate the Department of Social Services's response to the needs of the community;

*Delete existing Section 901 and add new Section 901 to read as follows:*

**Section 901. Qualifications; Compensation; Term of Office; Removal.**

There shall be a Department of Health headed by a Commissioner of Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Commissioner shall be a physician licensed to practice medicine in the State of New York and possess the qualifications for that

office as prescribed in the New York State Sanitary Code or otherwise by the New York State Public Health and Health Planning Council. The County Health Commissioner shall receive such compensation as may be fixed by the Legislature; provided, however, that such compensation shall not be reduced at any time during his or her term of office. The County Health Commissioner shall serve for a term of six (6) years, in accordance with Section 351 (3) of the Public Health Law, and shall not be removed during the term for which he or she shall have been appointed except upon written charges after a hearing upon due and sufficient notice.

*Delete existing 903 and add new Section 903 to read as follows:*

### **Section 903. County Board of Health.**

There shall be within the Department of Health a County Board of Health, whose members shall be appointed by the County Legislature in the manner and for the term provided for in the Public Health Law of the State of New York. The County Board of Health shall, at the request of the Commissioner of Health, and may, on its own initiative, advise the Commissioner of Health, County Legislature and County Executive on matters relating to the preservation and improvement of the public health within the county, including but not limited to proposed revisions to the Albany County Sanitary Code, and shall be advisory only, except to the extent that the Board of Health shall possess and may, at the request and subject to the direction of the County Commissioner of Health, exercise those quasi-judicial powers of investigation and review conferred upon boards of health by Public Health Law. The County Board of Health shall also advise the County Legislature with respect to the qualifications of candidates recommended by the Board for appointment to the position of Commissioner of Health.

*Delete existing 904 and add new Section 904 to read as follows:*

### **Section 904. Sanitary Code.**

The County Legislature shall adopt, amend or repeal all rules, regulations, orders and directions relating to health in the County in such manner and form provided in and not inconsistent with the Public Health Law of the State of New York or the State Sanitary Code. Any such rules, regulations, orders and directions so adopted, amended or repealed by the County Legislature shall be known as the “Albany County Sanitary Code” and published in the Administrative Code. The provisions of the sanitary code shall have the force and effect of law upon their publication in the Administrative Code. Penalties for violation of the Sanitary Code shall be as provided in the Sanitary Code or other applicable law. Certified copies shall be received in evidence in all courts and proceedings in the State.

*Amend Section 1302 to read as follows*

### **Section 1302. Other Contract Approvals.**

The County Executive shall be empowered to approve and execute contracts in an amount less than twenty thousand dollars (\$20,000). The County Legislature shall be empowered to approve contracts for execution by the County Executive in amounts over one hundred thousand dollars (\$100,000), in addition to those mentioned in Section 204(m) of this Charter. The County Executive shall not, through change orders, amendments, renewals, or any other method or device, exceed such twenty thousand dollar (\$20,000) limit with respect to any vendor or subject matter, without approval of the County Legislature.

*Delete existing Section 1502 and add new Section 1502 to read as follows:*

### **Section 1502. Powers and duties.**

The County Attorney shall:

(a) Be the chief administrative officer of the Department of Law;

(b) Be the legal adviser for the County;

(c) Advise all County officers and employees in all County legal matters of a civil nature;

(d) Prosecute and defend all actions or proceedings of a civil nature by or against the County;

(e) At the request of the Chairman of the Legislature, Majority Leader of the Legislature or by the Minority Leader of the Legislature, prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature;

(f) Organize the Department of Law into such administrative units as may be required, with approval of the County Executive; and

(g) Have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

*Delete existing Section 1503 and add new Section 1503 to read as follows:*

### **Section 1503. Assistant County Attorneys and staff.**

The County Attorney shall appoint such confidential Assistant County Attorneys, officers and employees of the Department of Law within appropriations made therefor. All Assistant County Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York, be in the exempt class of the civil service, and serve at the pleasure of the County Attorney, subject to applicable law.

*Amend title of Article 16 to read as follows:*

## **ARTICLE 16 COUNTY CLERK**

*Amend Section 1601 to read as follows:*

### **Section 1601. County clerk; election.**

There shall be a Department of Records headed by a County Clerk who shall be elected from the County at large. Her term of office shall be for four years, beginning on January 1st following her election. At the time of her election and throughout her term of office, she shall be a qualified elector of the County and shall hold no other Public Office. Commencing January 1st, 1995, she shall not hold the position of chair, vice-chair, secretary or treasurer of a County Political Party Committee. She shall have been a resident of the County continuously for at least of one year preceding her election. The compensation of the County Clerk shall not be increased or decreased during her term of office.

*Amend Section 1701 to read as follows:*

### **Section 1701. District Attorney; election; term; qualifications; compensation.**

There shall be a District Attorney elected from the County at large. Her term of office shall be for four (4) years, beginning on the first (1st) day of January following her election. ~~At the time of her election~~ The District Attorney shall have been a resident of the County continuously for at least one (1) year preceding her election, and throughout her term of office, she shall be a qualified elector of the County, duly admitted to practice law in the State of New York. ~~She shall hold no other public office.~~ The District Attorney may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee. The compensation of the District Attorney shall be as provided in Section 183-a of the Judiciary Law of the State of New York or other applicable State Law.

*Amend Section 1702 to read as follows:*

### **Section 1702. Powers and Duties.**

The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon her by any applicable law. ~~The District Attorney shall have the power to appoint Assistant District Attorneys and employees as may be authorized by the County Legislature.~~ She shall perform such other and related duties as shall be required of or delegated to her by the County Legislature. The District Attorney shall appoint such deputy and Assistant District Attorneys, investigators and employees of the Office of District Attorney within appropriations made therefore. All Deputy and Assistant District Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant District Attorneys, investigators and employees shall serve at the pleasure of the District Attorney, subject to applicable law.

*Delete existing Section 1802 and add new Section 1802 to read as follows*

**Section 1802. Powers and Duties.**

The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

(a) Be the head and chief administrative officer of the Office of Sheriff;

(b) Organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and outside the County in furtherance thereof;

(c) Manage the County Correctional Facility and provide for the care and custody of persons committed to the Sheriff's custody by competent courts or by intergovernmental agreement;

(d) Manage the Department of Natural Disaster Preparedness and Emergency Management Services within the Office of Sheriff and assist the County Executive and County Legislature in developing and implementing disaster preparedness programs and coordinating emergency response functions and such other functions and related duties as shall be authorized or required pursuant to provisions of the New York State Executive Law and other law;

(e). Perform the civil duties specified in applicable law;

(f) Organize the Office of the Sherriff into such administrative units as may be required; and

(g) Perform such other duties as may be required by the County Executive or the County Legislature.

*Delete existing Section 1803 and add new Section 1803 to read as follows:*

**Section 1803. Undersheriff, Deputy Sheriffs and staff.**

The Sheriff shall appoint an Undersheriff, Deputy Sheriffs, such assistants and employees of the Office of Sheriff within appropriations made therefor, Such Undersheriff, Deputy Sheriffs, assistants and employees shall serve at the pleasure of the Sheriff, subject to applicable law.

*Add new Section 1804 to read as follows:*

**Section 1804. Acting Sheriff.**

The Sheriff shall designate in writing, and in order of succession, the Undersheriff, Deputy Sheriffs and Assistants who shall serve as Acting Sheriff in the event of the Sheriff's absence from the County or inability to perform and exercise the powers and duties of her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation and order of succession. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff. The provisions of Section 30 of the public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the Sheriff's designation of an Acting Sheriff pursuant to this Section.

*Add new Section 1805 to read as follows:*

**Section 1805. Absence of restriction.**

Nothing in this article shall be construed to limit the powers and duties of the office of Sheriff, as provided by the New York State Constitution and other laws. to read as follows

**Section 1904. Certification.**

Within two (2) years of taking office, a person elected as Coroner must become certified as a Death Investigator by an accredited association or body legally authorized to issue such certification and approved by the County Legislature. Such two year period may be extended by vote of the County Legislature for up to six (6) months. Failure to become certified shall be cause for removal from office by the County Legislature. A person so removed shall be ineligible for election to such office unless and until they have become certified as set forth above.



*Amend Section 2201 to read as follows:*

**Section 2202. Powers and Duties.**

The Director shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable her to manage and supervise the County Nursing Home ~~and the Ann Lee Home~~, and any similar institution of the County. The Director is responsible to and shall report to the County Executive and the Chairperson any deficiencies in the operation of the Department, and submit proposed measures to correct such deficiencies.

*Amend Section 2301 to read as follows:*

**Section 2301. Public Defender; appointment; qualifications; assistants.**

There shall be an office of the Public Defender headed by an attorney duly admitted to the practice of law in the State. The Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature as provided in Section 302(c) of this Charter, and serve at the pleasure of the County Executive. The Public Defender shall have the power to appoint such assistant public defenders and employees as may be authorized by the County Legislature and within the appropriations made for such purpose. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Public Defender, subject to applicable law.

*Delete existing Section 2302 and add new Section 2302 to read as follows:*

**Section 2302. Powers and Duties**

Provide Legal representation, without charge, as requested by a court of competent jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime as defined in Section 722-a of the County Law of the State of New York, or who are entitled to assigned counsel pursuant to the Family Court Act of the State of New York or other statutory provision;

*Add new Section 2303 to read as follows:*

**Section 2303. Alternate Public Defender; appointment; qualifications; powers and duties.**

There shall be an Alternate Public Defender to provide representation for indigent defendants who qualify for representation by the Office of Public Defender under the law of New York State but where a conflict of interest precludes the Office of Public Defender from providing such representation. The Alternate Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Alternate Public Defender shall appoint such Deputy and Assistant Alternate Public Defenders, investigators and employees of the Office of Alternate Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Alternate Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Alternate Public Defenders, investigators and employees shall serve at the pleasure of the Alternate Public Defender, subject to applicable law.

*Delete existing Section 2501 and amend to read as follows:*

**Section 2501. (Reserved)**

*Amend Section 2506 to read as follows:*

**Section 2506. Other boards; how appointed.**

The ~~Board of Elections, the Alcoholic Beverage Control Board, the Forest District Practice Board, the Board of Commissioners of the County Sewer District and the County Youth Board~~ shall continue as provided by law. Appointments to these Boards shall be made by the County Legislature. The appointment of any head, board or agency in relation to a County sewer, water, or any other County District of a similar nature shall be made by the County legislature.

*Add New Article 30 to read as follows:*

**ARTICLE 30 DEPARTMENT OF PROBATION**

**Section 3001. Department of Probation established; Commissioner; appointment; qualifications.**

There shall be a Department of Probation headed by the Commissioner of Probation. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, in accordance with Article 12-A of the Executive Law of the State of New York. The Commissioner shall meet

qualifications as prescribed by the Department of Personnel in conjunction with the New York State Office of Probation and Correctional Alternatives and be appointed on the basis of his or her administrative experience and qualifications for the duties of office.

### **Section 3002. Powers and duties.**

The Commissioner of the Department of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

(a) Be the head and chief administrative officer of the Department of Probation;

(b) Organize the Department of Probation into such administrative units as may be required, with approval of the County Executive; and

(c) Perform such other duties as may be required by the County Executive or the County Legislature.

*Add New Article 31 to read as follows:*

## **ARTICLE 31 BOARD OF ELECTIONS**

**Section 3101.** There shall be within the County a Board of Elections, organized as provided in the Election Law and appointed as provided herein.

**Section 3102.** The Commissioners of Election shall be appointed by the County Legislature, pursuant to a certificate of party recommendation filed with the Clerk of the County Legislature at least thirty (30) days before the first day of January of any year in which a commissioner of election is to be appointed. Such certificate shall be filed by the chairman or secretary of the county committee of the political party of which he or she is a member and by which he or she is being recommended for appointment. Such recommendation shall be made by the county committee as a whole or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present.

**Section 3103.** The term of office of an election commissioner shall be four (4) years, beginning January first of the odd-numbered year next succeeding his or her appointment.

**Section 3104.** If at any time a vacancy occurs in the office of any election commissioner, other than by expiration of term of office, such vacancy shall be filled as hereinabove provided for the regular appointment of a commissioner, except that a person who fills a vacancy shall hold such office during the remainder of the term

of the commissioner in whose place he or she shall serve. A certificate of party recommendation to fill such vacancy shall be filed not later than forty-five (45) days after the creation of such vacancy.

Section 2. The effective date of this Local Law is January 1, 2017. Pursuant to Municipal Home Rule Law Section 33, this Local Law, amending the present Albany County Charter shall not become operative unless and until this Local Law is approved by the duly qualified voters of Albany County in the manner prescribed by law at the general election of November 8, 2016.

*Referred to Law Committee. 7/11/16*

*Messrs. Drake, Burgdorf, Grimm, Higgins, Mauriello, Mendick, & Stevens proposed the following amendment:*

**“Amendment to Local Law No. “H” for 2016**

Introduced: 8/8/16

By Messrs. Drake, Burgdorf, Grimm, Higgins, Mauriello, Mendick, & Stevens:

**Amend Local Law No. “H” for 2016 by deleting Section 1 in its entirety.**

**In its place, add Section 1 of Local Law “O” for 2016. Local Law “O” is contained on Legislative Agenda Packet #2.”**

*On roll call vote on the amendment the following voted in favor: Messrs. Burgdorf, Dawson, Drake, Grimm, Higgins, Ms. Lekakis, Messrs. Mayo, Mendick, O’Brien, Reinhardt and Stevens – 11.*

*Those opposed: Messrs. Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Crouse, Domalewicz, Ethier, Feeney, Fein, Hogan, A. Joyce, R. Joyce, Ms. Lockart, Messrs. Mackey, Miller, Signoracci, Simpson, Smith, Touchette, Tunny, Ward and Ms. Willingham – 24.*

*Abstained: Mr. Mauriello – 1.*

*Amendment was defeated.*

*On roll call vote on the original Local Law the following voted in favor: Messrs. Beston, Bullock, Ms. Chapman, Messrs. Clay, Commisso, Crouse, Feeney, Fein, Hogan, R. Joyce, Ms. Lockart, Messrs. Mackey, Miller, Signoracci, Simpson, Smith, Touchette, Tunny, Ward and Ms. Willingham – 20.*

*Those opposed: Messrs. Burgdorf, Clenahan, Dawson, Domalewicz, Drake, Ethier, Grimm, Higgins, A. Joyce, Ms. Lekakis, Messrs. Mayo, Mendick, O’Brien, Reinhardt, Stevens – 15.*

*Abstained: Mr. Mauriello – 1.*

*Local Law was adopted. 8/8/16*