

RESOLUTION NO. 350

REQUIRING ALL ALBANY COUNTY OWNED PROPERTY TO BE ALLOCATED ON THE BASIS OF FAIR MARKET VALUE

Introduced: 10/10/06

By Ms. Barlette:

WHEREAS, Albany County has taken and takes ownership of properties every year via tax foreclosure, and

WHEREAS, The normal procedure for disposals of such properties is to sell them at a public auction, and

WHEREAS, On a number of occasions County properties have been given away or sold for a nominal price to private organizations, associations and/or corporations, and

WHEREAS, The New York State Constitution, Article VIII §1 provides in pertinent part that “No county...shall give or loan any money or property to or in aid of any individual, or private corporation or association...”, and

WHEREAS, The New York State Attorney General has opined that a municipality may not convey real property to a not-for-profit corporation for less than aggregate consideration (New York State Attorney General opinion 1971,4-21), and

WHEREAS, The New York State Comptroller has opined that a municipality may not sell a parcel of real property for a nominal sum (New York State Comptroller opinion 81-228), and

WHEREAS, The New York State Comptroller has also opined that even where a purpose is public in nature, the New York State Constitution gift clause (Article 8, §1) a municipality may not accomplish such a purpose by a gift to a private entity, and

WHEREAS, Each County Legislator has taken an oath to uphold and defend the New York State Constitution, now, therefore be it

RESOLVED, That this Honorable Body directs the County of Albany to establish policy whereby the fair market value will be collected for all parcels, and be it further

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

Referred to Audit and Finance Committee. 10/10/06

Unfavorable Recommendation - Audit and Finance Committee. 11/29/06

Defeated by voice vote. 12/4/06