



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Resolutions**

Hon. Mary Pat Hancock, President

Stephen J. Acquario, Executive Director

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35



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2012 NYSAC Legislative Conference Albany, NY

Board Resolutions

1 **2012 NYSAC Legislative Conference**
2 **NYSAC Board of Directors Resolution**
3 **Resolution #1**

4
5 **RESOLUTION ENCOURAGING THE IMPLEMENTATION OF THE “YELLOW DOT”**
6 **AND “VIAL OF LIFE” PROGRAMS IN COUNTIES**
7

8 **WHEREAS**, the “Yellow Dot” program is a life saving program that helps drivers
9 involved in auto accidents make healthcare information more easily accessible to emergency
10 responders; and

11
12 **WHEREAS**, a yellow sticker on the rear windshield of a car signifies that a folder in the
13 glove compartment contains the driver’s photo, medications, allergies, contacts, and other
14 information; and

15
16 **WHEREAS**, the “Yellow Dot” program has been implemented in Nassau County, NY
17 and Erie County, NY, and has found great success in Connecticut, Alabama, Illinois, Iowa,
18 Kansas, Massachusetts, Minnesota, and Virginia; and

19
20 **WHEREAS**, the “Vial of Life” project is a similar program designed to protect
21 individuals in need of medical assistance at their homes; and

22
23 **WHEREAS**, older individuals tend to have more medical conditions, are on more
24 medications, and are typically more fragile; and

25
26 **WHEREAS**, accurate medical information is imperative in emergency situations because
27 the first sixty minutes after a serious accident can be the difference between life and death for the
28 critically injured; and

29
30 **WHEREAS**, the “Yellow Dot” program and the “Vial of Life” program can quickly
31 provide first responders with vital information; and

32
33 **WHEREAS**, the cost of implementing these programs would be small, entirely voluntary
34 for participants, and the potential benefits could include saving lives; and

35
36 **WHEREAS**, County agencies can assist to coordinate public awareness of the programs
37 and work with Emergency Service providers to inform them about operation of the programs.

38
39 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
40 Counties (NYSAC) encourages member counties to consider implementing these important
41 health and safety programs; and

1 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
2 Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary
3 and proper.

1 **2012 NYSAC Legislative Conference**
2 **NYSAC Board of Directors Resolution**
3 **Resolution #2**

4
5 **CALL FOR MAINTAINING FEDERAL FUNDING FOR LOCAL TRANSPORTATION**
6 **INFRASTRUCTURE**
7

8 **WHEREAS**, Public Law 109-59, SAFETEA-LU, is a federal law that provides \$286.4
9 billion in funding with the intent to improve and maintain the surface transportation
10 infrastructure in the United States; and

11
12 **WHEREAS**, SAFETEA- LU is a major funding source that helps improve and maintain
13 the safety of local New York road and bridges; and

14
15 **WHEREAS**, there is a critical safety need to improve and repair local New York road
16 and bridge infrastructures; and

17
18 **WHEREAS**, SAFETEA-LU expired on September 30, 2009, and the extension of this
19 bill expires on March 31, 2012; and

20
21 **WHEREAS**, SAFETEA-LU will likely not be extended further and the current proposal
22 is to replace this bill with a new federal transportation funding bill MAP-21; and

23
24 **WHEREAS**, MAP-21 legislation would attempt to consolidate services but leaves
25 uncertainty on the level of funding or control local New York districts will obtain if this bill
26 passes; and

27
28 **WHEREAS**, while it appears under MAP-21 the same highways and bridges will still be
29 eligible for federal funds, however the structure of the programs coupled with associated funding
30 levels could require a greater financial contribution from state and local governments—an ability
31 we just don't have now in New York; and

32
33 **WHEREAS**, local metropolitan planning organizations (MPO's) are federally mandated
34 and federally funded transportation policy-making organizations that are made up of
35 representatives from local government and governmental transportation authorities; and

36
37 **WHEREAS**, MAP-21 would change how the local MPO's boundaries are determined
38 and this change would eliminate some New York Counties from their existing MPO therefore,
39 weakening the ability to ensure that transportation decisions benefit the overall community and
40 threaten the economic stability and vitality or viability of the region as a whole; and

41
42 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC in is favor of consolidating
43 federal programs that can accelerate project delivery and maximize the available dollars to the

1 actual construction, however NYSAC opposes any bill that would reduce federal funding that is
2 dedicated to the vastly needed safety improvements of our local roads and bridges; and
3

4 **BE IT FURTHER RESOLVED**, NYSAC opposes any part of a federal bill that would
5 change the MPO boundaries and eliminate a county's voice on transportation safety decisions
6 that benefit the overall local community; and
7

8 **BE IT FURTHER RESOLVED**, that the New York State Association of Counties shall
9 forward copies of this Resolution to Governor Cuomo, the New York State Legislature and all
10 others deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **NYSAC Board of Directors Resolution**
3 **Resolution #3**
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO**
6 **REMOVE THE PROVISION OF THE EXECUTIVE BUDGET THAT PERMANENTLY**
7 **EXTINGUISHES THE COUNTIES' ABILITY TO CLAIM OVERBURDEN**
8 **ASSISTANCE THROUGH THE NEW YORK STATE MEDICAID PROGRAM**
9

10 **WHEREAS**, the State of New York has enacted hold harmless provisions for Counties
11 for the costs of Medicaid recipients discharged from State run facilities into the community; and
12

13 **WHEREAS**, the State of New York has enacted hold harmless provisions to shield local
14 social service districts from increased Medicaid Assistance costs of de-institutionalized
15 individuals through the development of overburden aid; and
16

17 **WHEREAS**, the State of New York has enacted overburden aid, and provided 100%
18 reimbursement for Counties who had de-institutionalized individuals enroll in Medicaid and
19 receive services on a local basis, in the community to which they were discharged; and
20

21 **WHEREAS**, in 2005, during the enactment of the Medicaid Cap legislation, overburden
22 aid for Counties was calculated into the base when establishing the Medicaid cap with the
23 understanding that overburden assistance claims not reimbursed at that time, could be considered
24 for reimbursement with appropriate documentation provided by counties outlining eligible
25 individuals; and
26

27 **WHEREAS**, the New York State 2012–2013 Executive Budget calls for the removal of
28 overburden aid and permanently prevents Counties through statute from claiming overburden aid
29 in the future; and
30

31 **WHEREAS**, the New York State 2012–2013 Executive Budget unfairly removes rightful
32 claims of overburden aid, owed to Counties who have qualified Medicaid individuals as 620 and
33 621; and
34

35 **WHEREAS**, the New York State Department of Health failed to accurately code de-
36 institutionalized individuals as prescribed through State statute; and
37

38 **WHEREAS**, Counties across the State were required to document and claim overburden
39 assistance for de-institutionalized individuals, for which the State calculate the local share and
40 reimburse Counties for the costs associated with de-institutionalized individuals; and
41

42 **NOW THEREFORE BE IT RESOLVED**, the New York State Association of Counties
43 (NYSAC) calls on the Governor and State Legislature to remove the provision placed in the

1 Executive Budget that removes Counties ability to claim for un-reimbursed overburden aid and
2 permanently removes Counties authority to claim overburden aid in the future; and
3

4 **BE IT FURTHER RESOLVED**, the counties of New York are calling on the Governor
5 and State Legislature to recognize the commitment made to Counties during the de-
6 institutionalization process which offered 100% reimbursement to Counties for the local share of
7 Medicaid costs associated with de-institutionalized individuals; and
8

9 **BE IT FURTHER RESOLVED**, in light of the Executive Budget proposal to
10 permanently extinguish counties' ability to claim overburden aid, the New York State
11 Association of Counties requests that any and all overburden claims be settled as soon as
12 possible, and
13

14 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall
15 forward copies of this Resolution to the Governor, the New York State Legislature and all others
16 deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **NYSAC Board of Directors Resolution**
3 **Resolution #4**

4
5 **RESOLUTION CALLING ON THE GOVERNOR AND THE STATE LEGISLATURE**
6 **TO IMPLEMENT A FULL TAKEOVER OF ALL LOCAL COSTS OF THE MEDICAID**
7 **PROGRAM IN ORDER TO REDUCE NEW YORK’S HIGHEST IN THE NATION**
8 **LOCAL TAX BURDEN**

9
10 **WHEREAS**, Medicaid is a federal and State designed health care program, whose costs
11 and administration represents the largest component of the State and local fiscal relationship in
12 New York, exceeding \$53 billion annually; and

13
14 **WHEREAS**, Medicaid is the single largest mandate the State has placed on county
15 government and local property taxpayers, costing local taxpayers more than \$7.3 billion annually
16 and consuming nearly half of all county property taxes (outside New York City); and

17
18 **WHEREAS**, even with local budget austerity measures, the program’s cost has forced
19 increases in property taxes for decades, along with a decline in the number, and
20 comprehensiveness, of local quality of life services provided by counties that local taxpayers
21 have come to expect; and

22
23 **WHEREAS**, Governor Cuomo has consistently maintained that the current Medicaid
24 program in New York is unsustainable and unaffordable and therefore implemented a Medicaid
25 Redesign Team to propose fundamental changes; and

26
27 **WHEREAS**, more than 80 statutory and regulatory Medicaid Redesign Team proposals
28 are currently being implemented, intended to save the State and federal governments tens of
29 billions of dollars over the next decade; and

30
31 **WHEREAS**, the Medicaid Redesign Team and the Citizen’s Budget Commission have
32 both made recommendations to the Governor and Legislature that counties and New York City
33 be removed from financing the State’s Medicaid program because the reliance on property taxes
34 is unfair for taxpayers and also undermines continued Medicaid reform and program efficiency
35 efforts; and

36
37 **WHEREAS**, Congress has enacted comprehensive health care reform that greatly
38 expands Medicaid coverage at enhanced federal matching rates and provides federal tax
39 subsidies for all Americans required to purchase health insurance up to 400 percent of the federal
40 poverty level; and

41
42 **WHEREAS**, when implemented, these federal reforms provide billions of dollars in new
43 Medicaid spending to New York State, therefore providing an opportunity for the State to garner
44 billions of dollars annually in fiscal relief; and

1 **WHEREAS**, in 2010, the State Legislature enacted a law that provides for the
2 assumption of local governments’ costs and related functions of administering the State
3 Medicaid program, with assurances that this action would generate savings for county property
4 tax payers; and
5

6 **WHEREAS**, broadly supported bipartisan legislation has been introduced in New York,
7 S.5889-B/A.8644 that calls for a multi-year transition that would require the State to take full
8 financial responsibility for its Medicaid program, therefore providing property tax relief to local
9 taxpayers; and
10

11 **WHEREAS**, New York’s Medicaid program and all public health spending must be
12 reevaluated in the context of the numerous federal and State program reforms with a focus on a
13 modern, patient-driven system that ensures public integrity, improves patient outcomes, and
14 places it on a fiscally sustainable path; and
15

16 **WHEREAS**, the implementation of the local Medicaid Cap in 2005 represented a
17 significant reform in the way New York financed its Medicaid program and provided counties
18 with a level of stability and predictably that benefited local taxpayers by setting annual county
19 increases for funding the State and federal Medicaid program at no more than three percent per
20 year; and
21

22 **WHEREAS**, the enactment of a two percent property tax cap in New York under which
23 the allowed growth in county property taxes are almost entirely consumed by the State required
24 three percent growth in county Medicaid costs alone, largely reverses the positive fiscal trend the
25 prior local Medicaid growth cap provided.
26

27 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
28 Counties (NYSAC) calls on the Governor and State Legislature of New York to use recently
29 enacted (and future) State Medicaid Redesign Team reforms, federal health reform flexibilities
30 and enhanced payments, the statutory requirement for the State to take full control over all
31 Medicaid administrative functions, reform of the State bureaucracy, and the recovery in state
32 revenues as the means for leveraging a gradual state takeover of all local government Medicaid
33 costs; an action that will lead to significant property tax and budget relief for all counties and
34 New York City and lower tax burdens for property tax payers across the State, vastly improving
35 the State’s economic competitiveness; and
36

37 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
38 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
39 and proper.

1 **2012 NYSAC Legislative Conference**
2 **NYSAC Board of Directors Resolution**
3 **Resolution #5**

4
5 **RESOLUTION IN SUPPORT OF MORE TIMELY STATE REIMBURSEMENT TO**
6 **COUNTIES FOR STATE MANDATED SERVICES PROVIDED AND PAID FOR BY**
7 **COUNTIES**

8
9 **WHEREAS**, counties act as the managing partner for the State in the implementation
10 and financing of numerous State programs, expending local tax dollars in the first instance; and
11

12 **WHEREAS**, counties provide these State services with the understanding that timely
13 reimbursement will be forthcoming so as to not unfairly burden local property taxpayers with
14 excessive local financing costs to support delayed or late State reimbursements; and
15

16 **WHEREAS**, counties wait many months, sometimes exceeding a year, for *regular*
17 reimbursement from the State for what are often services mandated by the State; and
18

19 **WHEREAS**, counties, in aggregate, are forced under this “normal” reimbursement
20 mechanism to essentially provide the State with interest free loans that exceed hundreds of
21 millions of dollars at any given time; and
22

23 **WHEREAS**, State budgets, when late, can significantly expand these reimbursement
24 waiting periods to the point where funds owed to counties by the State can exceed 10 percent of
25 a county’s entire annual budget, forcing unscheduled short term borrowing, or the spending of
26 reserves, which can be expensive and damage local government credit ratings, further straining
27 local taxpayers; and
28

29 **WHEREAS**, counties struggle during normal economic times to act as a “short term
30 lender” to the State with no compensation for these reimbursement delays, it is absolutely
31 untenable in a difficult economic climate such as today;
32

33 **NOW, THEREFORE BE IT RESOLVED**, that the New York State Association of
34 Counties (NYSAC) calls upon the Governor, the State Legislature and State Agencies to
35 minimize the delay in regular reimbursements to counties, establish state budget reforms that
36 ensures enactment of a timely State Budget and also requires the State to implement prompt
37 payment rules when reimbursing counties for State programs administered locally, including the
38 payment of interest to counties for all delayed State reimbursement in the event of a late State
39 Budget; and
40

41 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
42 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
43 and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2012 NYSAC Legislative Conference Albany, NY

Standing Committee on Children with Special Needs

Lisa Mell, Committee Chair

Anita Daly, Committee Vice-Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Children with Special Needs**
3 **Resolution #1**

4
5 **RESOLUTION APPLAUDING THE GOVERNOR FOR HIS REFORM AND**
6 **OVERHAUL OF THE EARLY INTERVENTION PROGRAM IN HIS 2012-13**
7 **EXECUTIVE BUDGET PROPOSAL SO THAT IT IS ACCOUNTABLE TO THE**
8 **CHILDREN IT SERVES AND TO THE TAXPAYERS OF THE STATE WHO FUND IT,**
9 **AND URGING THE STATE LEGISLATURE TO ADOPT THE PROPOSAL**

10
11 **WHEREAS**, the Early Intervention program in New York State is in need of
12 comprehensive reform and overhaul in order to address the dramatic increase in county
13 administrative duties, as well as the number of recipients and costs per child, since the program's
14 inception in 1993; and

15
16 **WHEREAS**, the State has shifted more fiscal responsibility to county taxpayers while
17 reducing State responsibility by requiring counties to fund 51 percent of the program, costing
18 county taxpayers \$185 million in 2010; and

19
20 **WHEREAS**, counties are required to pay 100 percent of the cost of Early Intervention
21 services in the first instance, which by statute cannot be claimed, at the earliest, until nine
22 months into the current state fiscal year and those claims frequently remain unreimbursed for
23 more than one year; and

24
25 **WHEREAS**, State law requires this program to be administered in the most cost
26 effective manner possible by including a requirement that counties bill private insurance for
27 eligible Early Intervention services before seeking any other reimbursement; and

28
29 **WHEREAS**, the most recent data available shows nearly \$100 million was billed to
30 commercial insurers and only \$10.6 million was recouped, the same 14 percent collection rate as
31 in 2000; and

32
33 **WHEREAS**, these collection rates barely cover the cost of the commercial insurance
34 billing functions, however, when the cost of services and billing are considered together, the
35 return is thirteen cents for every one dollar spent by counties overall; and

36
37 **WHEREAS**, at an aggregate cost of \$185 million to counties statewide, Early
38 Intervention services is one of nine major State mandates that consume 90 percent of the county
39 property tax levy statewide; and

40
41 **WHEREAS**, Governor Cuomo and the State Legislature have enacted a 2 percent
42 property tax cap, which is further exacerbating local budget pressures as additional costs are
43 shifted from the state to counties; and

1 **WHEREAS**, NYSAC applauds the Governor for proposing in his 2012-13 Executive
2 Budget to remove the 2 percent Medicaid reduction for the Early Intervention Program; and
3

4 **WHEREAS**, the New York State Association of Counties (NYSAC) applauds the
5 Governor and State Legislature for adopting Chapter 406 of the Laws of 2011; and
6

7 **WHEREAS**, Chapter 406 of the Laws of 2011 requires that certain information be
8 provided in connection with claims for Early Intervention services and also provides the time
9 period within which claims must be submitted in order to assist counties seeking reimbursement
10 for Early Intervention services from insurance companies; and
11

12 **WHEREAS**, at the end of the 2011 county fiscal year, and four and one-half months
13 after Chapter 406 of Laws of 2011 took effect, there is no evidence that this law is being
14 implemented and enforced as intended as counties are still unable to collect any additional
15 payments from third party insurance companies for Early Intervention Services; and
16

17 **WHEREAS**, New York State has not provided counties with any State regulations or
18 letter of guidance regarding how counties can now collect payments from third party insurance
19 companies for Early Intervention Services; and
20

21 **WHEREAS**, absent any additional regulations or guidance to enforce Chapter 406 of the
22 Laws of 2011, the State has a responsibility to the infants and toddlers receiving these services,
23 as well as the property taxpayers who are financing the largest share of the program, to ensure
24 that these claims are paid as appropriate; and
25

26 **WHEREAS**, NYSAC believes and maintains that all Early Intervention services for
27 children with special needs, including but not limited to those with the Autism Spectrum
28 Disorder, should be covered appropriately by commercial health insurers and that this is not a
29 100 percent taxpayer funded responsibility; and
30

31 **WHEREAS**, it is essential that that New York State Department of Health continues to
32 make certain that there is adequate and sufficient capacity to ensure that Early Intervention
33 services are not negatively impacted due to regional concerns; and
34

35 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC urges the State Legislature to
36 join the Governor to ensure counties' commercial insurance claims for all Early Intervention
37 services are maximized; and
38

39 **BE IT FURTHER RESOLVED**, that the New York State Department of Financial
40 Services and Banking, and the New York State Department of Health, be responsible for
41 enforcement of payments as stated in law; and
42

43 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
44 Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department

1 of Health, the New York State Department of Financial Services, and all others deemed
2 necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Children with Special Needs**
3 **Resolution #2**

4
5 **RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO**
6 **IMMEDIATELY CAP THE COUNTY FISCAL RESPONSIBILITY FOR THE 4410**
7 **PRESCHOOL SPECIAL EDUCATION PROGRAM, AND GRADUALLY REMOVE**
8 **COUNTIES FROM THE CONTRACTUAL AND PROGRAMMATIC**
9 **RESPONSIBILITIES OF THE PROGRAM IN ORDER TO ACHIEVE NET COST**
10 **SAVINGS**

11
12 **WHEREAS**, Chapter 23 of the Laws of 1989 established the Preschool Program for
13 Children with Handicapping Conditions Educational Program as 4410 of the Education Law; and

14
15 **WHEREAS**, this law included a provision to reduce the county fiscal liability to 25
16 percent by the 1993-94 school year; and

17
18 **WHEREAS**, succeeding statutes, beginning with the Deficit Reduction Act of 1990,
19 have reneged on statutory assurances of increased State fiscal participation in the program; and

20
21 **WHEREAS**, counties are presently mandated under state law to fund 40.5 percent of this
22 education program, costing county property taxpayers \$420 million in 2010; and

23
24 **WHEREAS**, this mandated program has grown exponentially, from nearly \$100 million
25 in 1989 to over \$1 billion in 2010, and the Preschool Special Education program is one of nine
26 major State mandates that consume 90 percent of the county property tax levy statewide; and

27
28 **WHEREAS**, Governor Cuomo and the State Legislature have enacted a 2 percent
29 property tax cap, which further exacerbates local budget pressures as additional costs are shifted
30 from the state to counties; and

31
32 **WHEREAS**, the State has capped its own expenses for transportation, leaving counties
33 responsible for 100 percent of costs over this arbitrary state-imposed cap; and

34
35 **WHEREAS**, Preschool Special Education tuition rates are set by New York State
36 Education Department with no input from counties; and

37
38 **WHEREAS**, the New York State Association of Counties (NYSAC) has drafted
39 legislation, S.5173 (Gallivan), which specifically addresses the issue of exorbitant transportation
40 costs for preschool special education; and

41
42 **WHEREAS**, the State has placed retroactive claiming limitations on counties regarding
43 Medicaid reimbursement for eligible and appropriately delivered services that are costing county

1 taxpayers tens of millions of dollars in lost federal reimbursement, largely due to prior State and
2 school district program management mistakes; and
3

4 **WHEREAS**, in 2007, the Governor and State Legislature established the Temporary
5 Task Force on Preschool Special Education, which recommended that county fiscal participation
6 be capped and county programmatic and administrative involvement be eliminated by 2013; and
7

8 **WHEREAS**, the federal and State law places responsibility for the program with the
9 educational system and gives decision-making authority to school districts; and
10

11 **WHEREAS**, counties do not have education departments but continue to bear the
12 financial burden for programmatic decisions made by school districts.
13

14 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC believes that the county fiscal
15 contribution for the Preschool Special Education program should be immediately capped, and
16 counties should be gradually removed from the contractual and programmatic responsibilities of
17 the 4410 Preschool Special Education Program to achieve net cost savings; and
18

19 **BE IT FURTHER RESOLVED**, the removal of counties from the fiscal and
20 programmatic responsibilities of the Preschool Special Education program would better align
21 fiscal responsibilities with the entity that makes the placement decisions. It would also
22 incentivize decision makers to find more effective and efficient ways to better serve these
23 children in their schools and community; and
24

25 **BE IT FURTHER RESOLVED**, that NYSAC recognizes the Governor for his 2012-13
26 Executive Budget proposal regarding Preschool Special Education as a positive first step for
27 much needed reform in this program; and
28

29 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
30 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
31 and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Children with Special Needs**
3 **Resolution #3**
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO**
6 **HOLD COUNTIES HARMLESS FOR ANY ISSUES OCCURING FROM THE**
7 **COUNTIES' USE OF THE NEW YORK STATE EARLY INTERVENTION SYSTEM**
8 **(NYEIS) THAT IS BEYOND THE COUNTIES' CONTROL, INCLUDING BUT NOT**
9 **LIMITED TO NYEIS CLAIMS DETERMINED TO NOT BE IN COMPLIANCE WITH**
10 **OMIG MEDICAID REQUIREMENTS AS A RESULT OF AUTOMATIC SUBMISSION**
11

12 **WHEREAS**, the New York Early Intervention System (NYEIS) is a web-based system
13 created, operated and overseen by the New York State Department of Health to electronically
14 manage Early Intervention Program (EIP) administrative tasks and provide for information
15 exchanges; and
16

17 **WHEREAS**, according to the New York State Department of Health (DOH), the NYEIS
18 system is designed to support Early Intervention Program service delivery, financial,
19 administration, and management activities at both the local and State levels; and
20

21 **WHEREAS**, the NYEIS system has negatively impacted the counties' ability to perform
22 activities, which include initial intake, evaluation, eligibility determination, Individualized
23 Family Service Plan development, service provision, and all financial aspects including
24 insurance, claiming, payments, and Medicaid reimbursement; and
25

26 **WHEREAS**, the New York State Association of Counties (NYSAC) calls for a timely,
27 functional, and substantial overhaul to the NYEIS system to allow counties to more efficiently
28 administer the program; and
29

30 **WHEREAS**, the Kids Integrated Data System (KIDS), which currently supports the New
31 York State Early Intervention Program, is being replaced by NYEIS; and
32

33 **WHEREAS**, counties also have responsibility to ensure that work is completed in the
34 most efficient manner in order to achieve the highest quality of services for disabled infants and
35 toddlers; and
36

37 **WHEREAS**, as the entity paying for the majority (51 percent) of the costs of the over \$1
38 billion Early Intervention Program in New York State, counties are accountable to the property
39 taxpayers for the money spent in this program; and
40

41 **WHEREAS**, counties have responsibility to ensure the fiscal integrity of the Early
42 Intervention Program remains free from fraud and abuse; and
43

1 **WHEREAS**, in its current form the NYEIS system has created numerous inefficiencies,
2 and has now opened the Early Intervention Program to the potential for fraud and abuse within
3 the claiming process, as counties are no longer able to verify their processes; and
4

5 **WHEREAS**, 55 counties and the City of New York are using the NYEIS system and all
6 users are experiencing increased workload, decreased productivity and hundreds of technical
7 problems; and
8

9 **WHEREAS**, the NYEIS was released and launched with an automatic submission
10 feature for billing Medicaid, which contradicts OMIG billing requirements; and
11

12 **WHEREAS**, the New York State Association of Counties (NYSAC) believes this feature
13 is in opposition to OMIG Medicaid Compliance requirements; and
14

15 **WHEREAS**, 18 NYCRR 504.9(b) states: Prior to submission to the Department, claim
16 submission must be reviewed by the provider... In order that the provider may correct any
17 inaccurate claims, delete improper claims, or otherwise revise the intended submission to ensure
18 that only claims for services actually provided, due, and owing are submitted; and
19

20 **WHEREAS**, counties are providers of record for the purpose of billing Medicaid Early
21 Intervention Services and rely on providers' records for accuracy and completeness; and
22

23 **WHEREAS**, while NYEIS meets all mandated requirements of the Health Insurance
24 Portability and Accountability Act (HIPAA), Family Education Rights and Privacy Act
25 (FERPA), Individuals with Disabilities Education Act (IDEA), Article 25 New York State Public
26 Health Law, and Medicaid requirements, the NYEIS does not meet all mandated requirements of
27 the OMIG.
28

29 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
30 Counties (NYSAC) believes that counties must be held harmless for any user issues occurring
31 from and in the NYEIS system that is beyond the counties' control, including but not limited to
32 NYEIS claims determined to not be in compliance with OMIG Medicaid requirements as a result
33 of automatic submission; and
34

35 **BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to
36 Governor Andrew M. Cuomo, the New York State Department of Health, the New York State
37 Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

**Standing Committee on Economic Development, Environment &
Rural Affairs**

Bill Farber, Committee Chair

William J. Daly, Committee Vice-Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Economic Development, Environment and Rural Affairs**
3 **Resolution #1**
4

5 **RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO**
6 **ENACT LEGISLATIVE AND REGULATORY REFORMS THAT WILL SUPPORT**
7 **NEW YORK’S ECONOMY, GROW JOBS AND HELP PROMOTE A MORE**
8 **BUSINESS-FRIENDLY CLIMATE IN NEW YORK STATE**
9

10 **WHEREAS**, the State of New York, counties and all units of local government are
11 facing serious financial pressures due to continuing poor economic conditions, made worse by
12 increased demand for public services from individuals and families adversely impacted by the
13 national recession; and
14

15 **WHEREAS**, New York State has been losing residents, businesses and jobs to other
16 states for over two decades, and many counties have fewer residents and business taxpayers to
17 pay for increasing service demands in this time of high unemployment; and
18

19 **WHEREAS**, numerous research studies have shown that manufacturers in New York
20 State are not finding a sufficient supply of workers with the skills required for the manufacturing
21 sector, thus threatening the future of viable manufacturing businesses in the State; and
22

23 **WHEREAS**, New York State and its counties need to aggressively promote business
24 investment to revitalize our state and local economies and promote job growth; and
25

26 **WHEREAS**, New York State has a reputation for being one of the most expensive states
27 in the nation in which to do business due to high taxes, additional State regulations and
28 requirements on businesses, creating a major impediment to attracting private investment; and
29

30 **WHEREAS**, to address the need for a comprehensive, statewide economic development
31 program, Governor Andrew Cuomo created 10 Regional Economic Development Councils that
32 are public-private partnerships composed of local experts and stakeholders from business,
33 academia, local government, and non-governmental organizations; and
34

35 **WHEREAS**, a new Consolidated Funding Application process was undertaken in order
36 to streamline the application process for local economic development initiatives to get State
37 funding; and
38

39 **WHEREAS**, these councils, in December 2011, announced the award of over \$785.5
40 million for hundreds of local projects, Excelsior Job credit funding, money for low-cost
41 economic development financing and \$40 million each to 4 “Best Plan” regions; and
42

43 **WHEREAS**, this effort to create a new, regional vision for Economic Development
44 funding is admirable, it must be coupled with legislative and regulatory reforms that reduce

1 property taxes and eases business compliance requirements in order to ensure New York is
2 successful in changing the business climate throughout this State.

3
4 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
5 Counties (NYSAC) hereby calls upon Governor Cuomo and the Legislature to work with local
6 officials to implement the following regulatory and statutory changes in order to spur economic
7 growth and reduce the overall costs of doing business in New York State;

- 8 • Implement state laws that can lead directly to a reduction in property taxes, such as a
9 gradual state takeover of local Medicaid costs;
- 10 • Reinstated the authority of Industrial Development Agencies to finance “civic facility”
11 projects. This authority expired on January 31, 2008 and should be reestablished as part
12 of an overall IDA reform legislation to help benefit communities;
- 13 • Reform the Excelsior Jobs program to expand the current \$50 million annual hard cap in
14 funding to provide greater funding from other economic development programs that have
15 proven less productive;
- 16 • Reform how the NYS Department of Labor determines the prevailing wage for a region
17 to ensure that it does not unreasonably disadvantage upstate communities by making
18 investment in regionally beneficial projects prohibitively expensive;
- 19 • Improve skills of existing workers and improve opportunities for future workers in
20 growing fields such as advanced manufacturing to assist in filling the pipeline for future
21 employment in this sector and ensure that manufacturers have the supply of workers they
22 need to fill jobs and grow their businesses in New York State;
- 23 • Fully support K-12 education in New York State as an essential tool for preparing The
24 21st Century Workforce and for attracting families seeking a quality education for their
25 children, and add representatives of K-12 education to each regional economic
26 development council;
- 27 • Ensure counties and IDAs are involved in any State Environmental Quality Review Act
28 (SEQRA) reform process to promote efficiency and timeliness while still maintaining
29 necessary environmental protections; and

30
31 **BE IT FURTHER RESOLVED** that NYSAC calls on the Governor and the State
32 Legislature not to enact any new statutory, regulatory, or programmatic amendments that place
33 undue burdens and costs on employers, further diminishing New York State’s ability to compete
34 in a global economy; and

35
36 **BE IT FURTHER RESOLVED**, that NYSAC calls on the State of New York to not
37 impose any new mandates on counties, other units of local governments, or school districts that
38 will result in higher costs and increased property tax burdens on our residents and businesses;
39 and

40
41 **BE IT FURTHER RESOLVED** that the New York State Association of Counties shall
42 forward copies of this Resolution to Governor Andrew M. Cuomo, the New York State
43 Legislature and all others deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Economic Development, Environment and Rural Affairs**
3 **Resolution #2**

4
5 **RESOLUTION RECOGNIZING THE IMPORTANCE OF AGRICULTURE TO NEW**
6 **YORK’S ECONOMY AND CALLING ON FEDERAL AND STATEWIDE OFFICIALS**
7 **TO SUPPORT IMPORTANT INITIATIVES THAT BENEFIT NEW YORK FARMS**

8
9 **WHEREAS**, New York’s vast farming industry contributes to the State’s health and
10 economic wellbeing every day by creating jobs, fueling the economy and providing New
11 Yorkers with access to fresh local food; and

12
13 **WHEREAS**, New York farmers act as environmental stewards, working to protect
14 animals and promote animal welfare; and

15
16 **WHEREAS**, despite agriculture being one of the top industries in New York State, the
17 current economic crisis has made it increasingly hard on New York farmers to compete in the
18 global marketplace and to secure credit for investing in the viability of their farm operations; and

19
20 **WHEREAS**, Governor Cuomo is calling for an expansion of the New York State Linked
21 Deposit Program to provide more affordable access to credit and financing for farmers
22 throughout the State; and

23
24 **WHEREAS**, as an organization of county government leaders, the New York State
25 Association of Counties (NYSAC) understands the significant economic benefit provided by our
26 state’s food and agriculture system and in February 2010 created a special Blue Ribbon Task
27 Force on the Future of New York Farming in order to discuss and recommend measures to assist
28 farmers and promote agriculture in New York; and

29
30 **WHEREAS**, more than 50 county officials are actively participating in the Blue Ribbon
31 Task Force to confront a number of critical topics and significant issues that have a direct impact
32 on New York’s farms and the agricultural industry; and

33
34 **WHEREAS**, the Blue Ribbon Task Force members visited the Hunts Point Terminal
35 Market in November 2011 to understand how this market works and find ways for New York
36 Farmers to work collaboratively to take advantage of their proximity to Hunts Point, the produce
37 from which feeds 9 percent of the population of the United States; and

38
39 **WHEREAS**, the Blue Ribbon Task Force prepared a new report “Growing the Farm
40 Economy” issued in December 2011 included recommendations to Governor Cuomo, the New
41 York State Department of Agriculture and Markets, and the State Legislature on how to promote
42 agriculture as part of New York’s overall economic development strategy, and specific
43 recommendations for federal elected officials on the needs of New York State and what should
44 be considered in the creation of the 2012 Federal Farm Bill.

1
2 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC urges our statewide elected
3 officials and federal officials to partner with counties to implement the recommendations
4 contained in the Blue Ribbon Task Force 2011 report “Growing the Farm Economy” and help
5 maintain the economic viability of farming in New York; and
6

7 **BE IT FURTHER RESOLVED**, that NYSAC recognizes the allocation of steady
8 funding levels in the 2012/13 State Budget but encourages additional funding in future budgets
9 for agriculture local assistance programs and the Environmental Protection Fund, which provide
10 farmers with important financial and programmatic assistance needed to maintain viable farms in
11 New York State; and
12

13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
14 Governor Andrew M. Cuomo, New York’s Congressional Delegation, the Commissioner of the
15 New York State Department of Agriculture and Markets, Commissioner of the New York State
16 Department of Environmental Conservation, the New York State Legislature and all others
17 deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

Standing Committee on Intergovernmental Relations

Jack Callery, Committee Chair

Robert Hagemann, Committee Vice-Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Intergovernmental Relations**
3 **Resolution #1**

4
5 **RESOLUTION CALLING ON THE GOVERNOR AND THE STATE LEGISLATURE**
6 **TO CHANGE NEW YORK STATE’S ELECTION LAW TO PERMIT THE FEDERAL**
7 **PRIMARY AND THE NEW YORK PRIMARY TO BE HELD ON THE SAME DAY**

8
9 **WHEREAS**, Election Law requires that a primary election shall be held on the first
10 Tuesday after the second Monday in September before every general election unless otherwise
11 changed by an act of the legislature; and

12
13 **WHEREAS**, in the year two thousand twelve, the New York primary is to be held on
14 September 11, 2012; and

15
16 **WHEREAS**, in 2012, an additional primary election, known as the presidential primary,
17 shall be held on April 24, 2012, for the purpose of electing delegates to the national convention;
18 and

19
20 **WHEREAS**, pending a ruling of the U.S Federal Court in the northern district, the
21 federal primary in New York will be required to be held on a date prior to September 11, 2012;
22 and

23
24 **WHEREAS**, if the state legislature fails to move the normal September primary elections
25 to coincide with this mandated federal date, there will be 3 primary elections in New York in
26 2012; and

27
28 **WHEREAS**, Election Law Section 8-100 permits the date of the New York primary to
29 be changed by an act of the State Legislature.

30
31 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
32 Counties (NYSAC) calls upon Governor Andrew M. Cuomo, and the New York State
33 Legislature to permit the federal primary election and the New York primary election to be held
34 on June 26, 2012; and

35
36 **BE IT FURTHER RESOLVED**, that if the Governor and the state legislature do not
37 wish for the federal primary election and the New York primary election to be held on the same
38 day, that New York State absorb the costs of holding the New York primary election; and

39
40 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
41 Governor Andrew M. Cuomo, the New York State Legislature, the New York State Board of
42 Elections, and all others deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Intergovernmental Relations**
3 **Resolution #2**

4
5 **RESOLUTION IN SUPPORT OF ENACTING A PERMANENT BAN ON NEW**
6 **UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS AND**
7 **PRESERVATION OF HOME RULE**

8
9 **WHEREAS**, counties in New York have long served as the principal partner in
10 administering the State’s critical health, human services and public safety programs while
11 preserving Home Rule governance throughout the counties; and

12
13 **WHEREAS**, counties continue to struggle to administer and fund these state mandated
14 services with less state and federal financial support, while also providing the public safety,
15 economic development, quality of life services, and preserving property values that local voters
16 strongly desire to be provided in their community with local tax dollars; and

17
18 **WHEREAS**, New York State has enacted a property tax cap that limits property tax
19 increases to the lower of two percent or the rate of inflation; and

20
21 **WHEREAS**, the major State programs that counties are mandated to finance and
22 administer on behalf of the state have long term annual growth rates many times higher than the
23 allowable two percent threshold; and

24
25 **WHEREAS**, the Governor and State Legislators acknowledged that substantial mandate
26 relief must be provided to local governments in order to successfully implement the property tax
27 cap; and

28
29 **WHEREAS**, the New York State Association of Counties (NYSAC) has identified nine
30 major state mandates that are expected to consume more than 90 percent of all county property
31 taxes levied in 2012 (outside of New York City), equaling \$4.2 billion of an estimated \$4.6
32 billion in county property taxes levied under the cap limit. With the vast majority of county
33 resources consumed by just four of these mandates:

- 34 • Medicaid
35 • Pensions
36 • Preschool Special Education; and
37 • Early Intervention; and

38
39 **WHEREAS**, the high level of State imposed mandates continues to contribute to New
40 York’s highest in the nation local tax burden for residents and businesses, severely damaging
41 New York’s ability to attract, create and maintain good paying jobs, as well as contributing to
42 population losses to other states; and

43
44 **WHEREAS**, counties have long sought an end to the imposition of more state mandates

1 or the expansion of existing state mandates, including those that weaken Home Rule governance
2 as a way to reduce property taxes, preserve property values and provide the quality of life that
3 taxpayers strongly deserve to be provided for in their communities; and
4

5 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
6 Counties (NYSAC) calls on the Governor and the State Legislature to enact a permanent ban on
7 the imposition of new unfunded state mandates on county governments and phase out or reform
8 existing unfunded mandates, especially those that diminish, weaken or remove Home Rule
9 governance; and
10

11 **BE IT FURTHER RESOLVED**, that the ban on unfunded mandates, or the expansion
12 of existing mandates, should be imposed through an amendment to the State Constitution to
13 provide maximum protection for local governments and taxpayers; and
14

15 **BE IT FURTHER RESOLVED**, until such constitutional ban is effective, a statutory ban
16 should be enacted immediately that includes provisions that:

- 17 • Allows an override of the new unfunded mandate ban, or the ban on expansion of an
18 existing mandate, by the State Legislature only upon a two-thirds super majority vote
19 of each chamber of the State Legislature;
- 20 • Requires a fiscal note from the impacted local government;
- 21 • Requires approval of a local law to accept said mandate or expansion of an existing
22 mandate; and
- 23 • Any new mandate, or expansion of existing mandate, must be fully paid for by the State
24 or other non-local funding source and any reduction in this aid would automatically
25 end any legal requirement that the local government maintain the new, or expanded
26 mandate; and
27

28 **BE IT FURTHER RESOLVED**, that any new unfunded mandate or expansion of an
29 existing mandate be broadly defined to include any State law, regulation, rule or Executive Order
30 that requires a local government to spend more than \$10,000 annually for any new program,
31 project, activity, or higher level of service for an existing program, or grants a new (or expands
32 an existing) property tax exemption; or devalues any local public asset; and
33

34 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
35 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
36 and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Intergovernmental Relations**
3 **Resolution #3**

4
5 **RESOLUTION CALLING FOR THE GOVERNOR AND LEGISLATIVE LEADERS TO**
6 **COMPENSATE COUNTIES FOR STATE-MANDATED INCREASES IN DISTRICT**
7 **ATTORNEY’S SALARIES**

8
9 **WHEREAS**, in August 2011 the New York State Special Commission on Judicial Pay
10 formally released a plan to increase new judges’ salaries by 27 percent over the next three years;
11 and

12
13 **WHEREAS**, salaries of full time district attorneys and the clerks of the five boroughs of
14 New York City are statutorily tied to those of New York State judges and justices in the Unified
15 Court System; and

16
17 **WHEREAS**, when salaries increase for judges and justices, counties are mandated to
18 raise the salaries for their district attorneys as required under section 183-a of the Judiciary Law;
19 and

20
21 **WHEREAS**, historically, when the Governor and the State Legislature have authorized
22 pay increases for these judges and justices they have also included supplemental appropriations
23 for counties to cover the cost this mandated pay increase creates; and

24
25 **WHEREAS**, these appropriations are needed more now than ever since the adoption of a
26 property tax cap on counties.

27
28 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
29 Counties (NYSAC) is calling upon the Governor and the Legislature to hold counties harmless
30 for the increase of district attorney’s salaries as they have done in the past; and

31
32 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
33 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
34 and proper.
35



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

**Standing Committee on Medicaid and Human Services
David Jolly, Committee Chair**

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #1**

4
5 **RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO END**
6 **THE UNFUNDED HUMAN SERVICES MANDATES CREATED BY THE STATE**
7 **DIRECTLY MOVING AWAY FROM ITS CONSTITUTIONAL REQUIREMENT TO**
8 **CARE FOR THE NEEDY, AND EFFECTIVELY FORCING THE FISCAL**
9 **RESPONSIBILITY ON COUNTY GOVERNMENT AND LOCAL PROPERTY**
10 **TAXPAYERS**

11
12 **WHEREAS**, the 2009-10 final State Budget eliminated approximately \$300 million for
13 the State Local Administrative Fund (LAF) as a discrete funding allocation and folded that into
14 the Flexible Fund for Family Services (FFFS); and

15
16 **WHEREAS**, the 2009-10 final State Budget funded the FFFS at \$1.3 Billion, giving the
17 appearance of a “flexible fund” for counties, however, the Budget also increased the Child
18 Welfare Component Threshold required in the FFFS by \$100 million, which predetermined how
19 a portion of the LAF/FFFS funding must be spent, thus rendering the FFFS far less “flexible;”
20 and

21
22 **WHEREAS**, moving the LAF dollars to Federal TANF funding eliminated any match
23 for State mandated administrative expenses for Safety Net or Food Stamp administration,
24 including the State share support for Safety Net Administration, Safety Net Employment
25 Program Administration, Food Stamp Program Administration and Food Stamp Employment
26 and Training (FSET); and

27
28 **WHEREAS**, while Federal FFFS dollars are increased by the amount of the State dollar
29 LAF elimination, many of the current reimbursements from the State LAF in counties and the
30 City of New York cannot be shifted to the Federal FFFS as these costs are ineligible for Federal
31 FFFS reimbursement; and

32
33 **WHEREAS**, costs for the expenses that cannot be refinanced with FFFS dollars result in
34 increased local share on a dollar-for-dollar basis, which means that Safety Net Administrative
35 costs and Safety Net Employment Administrative costs are now 100 percent (vs. historic 50
36 percent) county cost, and Food Stamp Program Administration are now 100 percent (vs. historic
37 50 percent) county cost; and

38
39 **WHEREAS**, the State of New York requires counties to conduct eligibility
40 determinations for Food Stamps and Safety Net Assistance; and

41
42 **WHEREAS**, the removal of State General funds from the LAF effectively removed any
43 State aid for the administrative costs of determining eligibility for both the Food Stamps Program
44 and Safety Net Assistance Program; and

1 **WHEREAS**, Food Stamp enrollment has increased across the State by 41 percent over
2 the past two years, requiring counties to increase the administrative costs associated with the
3 Food Stamps Program; and
4

5 **WHEREAS**, the 2011-12 final State Budget dramatically lowered the State’s fiscal and
6 administrative roles in the Safety Net Program; and
7

8 **WHEREAS**, the 2011-2012 final State Budget shifted the cost of the Safety Net Program
9 to 71 percent county / 29 percent State, severing the historic 50 percent State / 50 percent county
10 partnership; and
11

12 **WHEREAS**, with the onset of the current economic downturn, Safety Net Assistance
13 enrollment has increased across the State in record numbers, requiring counties to increase the
14 administrative costs associated with the program; and
15

16 **WHEREAS**, providing Safety Net services and support is one of nine major State
17 mandates that consumes 90 percent of the county property tax levy statewide; and
18

19 **WHEREAS**, Governor Cuomo and the State Legislature have enacted a 2 percent
20 property tax cap absent meaningful mandate relief, which has further exacerbated local budget
21 pressures as additional costs are shifted from the State to counties; and
22

23 **WHEREAS**, the elimination of the state share of the LAF plus the shift to counties of 71
24 percent of the cost of the Safety Net program effectively dissolved the State’s financial
25 commitment to the administrative partnership in their own public assistance programs; and
26

27 **WHEREAS**, the steady pullback in State funding support for a variety of human services
28 programs including child welfare, adoption subsidies, food stamp administration, Family
29 Assistance, Safety Net and juvenile justice creates an environment in which the State is directly
30 moving away from its constitutional requirement to care for the needy, forcing this State
31 constitutional responsibility on county government and local property taxpayers.
32

33 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
34 Counties (NYSAC) calls on the State to end the expansion of unfunded social services mandates
35 on counties and New York City and to also adequately fund the administrative costs of these
36 varied programs; and
37

38 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
39 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
40 and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #2**

4
5 **RESOLUTION URGING NEW YORK STATE TO RENEW ITS COMMITMENT TO**
6 **THE SAFETY, SERVICE DELIVERY, PERMANENCY, CONTINUING**
7 **CARE/ADOPTION, AND WELL BEING OF CHILDREN BY PRIORITIZING AND**
8 **ADEQUATELY FUNDING CHILD WELFARE FINANCING IN 2012, INCLUDING**
9 **CHILD PROTECTIVE SERVICES, PREVENTIVE SERVICES, FOSTER CARE,**
10 **ADOPTION, INDEPENDENT LIVING SERVICES AND AFTERCARE, WITHOUT**
11 **FORCING THE FISCAL RESPONSIBILITY ONTO COUNTY GOVERNMENT AND**
12 **THE LOCAL PROPERTY TAXPAYERS**

13
14 **WHEREAS**, the safety and welfare of New York children should remain the State’s
15 highest priority; and

16
17 **WHEREAS**, the current Foster Care Block Grant and the 62 percent / 38 percent
18 Preventive / Protective funding stream sunsets in April of 2012; and

19
20 **WHEREAS**, State mandated child welfare services for preventive and protective care
21 cost county taxpayers nearly \$800 million in 2010; and

22
23 **WHEREAS**, providing child welfare protective and preventive services and support is
24 one of nine major State mandates that consume 90 percent of the county property tax levy
25 statewide; and

26
27 **WHEREAS**, State funding for these child welfare and related foster care programs has
28 decreased by tens of millions of dollars over the past three years, despite the increase in child
29 welfare protective service cases; and

30
31 **WHEREAS**, child welfare preventive / protective funding has historically allowed
32 counties to develop innovative community-based programs to reduce foster care placements; and

33
34 **WHEREAS**, New York State must maintain at least 62 percent State share for 2012-13,
35 support regulatory flexibility for community preventive services by providing reimbursement for
36 early intervention in order to avert family crises before placement is imminent; and

37
38 **WHEREAS**, the State must provide funding for its newly created program, the Kinship
39 Guardian Assistance Program, as a permanency program outside of the Foster Care Block Grant,
40 using the same formula as adoption subsidies; and

41
42 **NOW, THEREFORE, BE IT RESOLVED**, that the Foster Care Block Grant must be
43 retained and local flexibility must be provided to request a “carve out” for innovative projects;
44 and

1 **BE IT FURTHER RESOLVED**, that New York State should support and promote
2 innovative funding and performance models for foster care, including performance-based
3 policies and funding approaches, as well as the use of data reports to assist in measuring
4 performance outcomes, and increased flexibility for counties by allowing rate adjustments on
5 individual cases to be negotiated between the district and the provider; and
6

7 **BE IT FURTHER RESOLVED**, any effort to place a cap on or further reduce the child
8 welfare funding stream, as well as the continued expansion of unfunded social services mandates
9 placed on counties and New York City, is unsustainable; and
10

11 **BE IT FURTHER RESOLVED**, that New York State must renew its commitment to
12 the safety, service delivery, permanency, continuing care/adoption, and well-being of children by
13 prioritizing child welfare financing, child protective services, preventive services, foster care,
14 adoption, independent living services and aftercare; and
15

16 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
17 Governor Andrew M. Cuomo, the New York State Legislature, the New York State Office of
18 Children and Family Services, and all others deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #3**

4
5 **RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO**
6 **DIRECTLY TIE ANY JUVENILE JUSTICE/YOUTH DETENTION REALIGNMENT**
7 **POLICY TO SIGNIFICANT YOUTH FACILITIES’/ STATE TRAINING SCHOOLS’**
8 **RATE REFORM, AND TO PROHIBIT ANY STATE BUDGET, POLICY AND**
9 **REGULATORY ACTIONS THAT SHIFT COSTS TO COUNTIES AND LOCAL**
10 **PROPERTY TAXPAYERS FOR SUCH FACILITIES**

11
12 **WHEREAS**, the City of New York is currently negotiating with the Governor and State
13 Legislature to develop a juvenile justice realignment plan, which would divert offenders from
14 state facilities and shift interventions to community-based programs, under the management of
15 New York City, and

16
17 **WHEREAS**, the New York State Association of Counties (NYSAC) supports New York
18 City’s option to pursue juvenile justice realignment, but also recognizes that rate-setting for
19 youth facilities/state training schools is directly tied to the population within these facilities, and
20

21 **WHEREAS**, the cost for youth detention at these facilities is one of the 9 mandates
22 driving 90 percent of the county property tax levy in New York State; and

23
24 **WHEREAS**, retroactive rate increases for such youth facilities/state training schools,
25 combined with the absence of consistent rate setting and billing, as well as the recently enacted
26 local 2 percent property tax cap, place a tremendously unfair fiscal burden on counties and local
27 property taxpayers.

28
29 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC urges the Governor and the
30 Legislature of the State of New York to directly tie any juvenile justice/youth detention
31 realignment policy to significant youth facilities/state training schools’ rate reform, and to
32 prohibit any state budget, policy and regulatory actions that shift costs to counties for such
33 facilities.

34
35 **BE IT FURTHER RESOLVED**, that the copies of this resolution be forwarded to the
36 Governor, the full membership of the New York State Legislature, the New York State Office of
37 Children and Family Services, and all others deemed necessary and proper.

38

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #4**
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO**
6 **WORK WITH COUNTIES TO INSURE THE SUCCESSFUL IMPLEMENTATION OF**
7 **THE PROPOSED STATE TAKEOVER OF CERTAIN MEDICAID ELIGIBILITY**
8 **FUNCTIONS, WHILE HONORING THE CURRENT LOCAL ADMINISTRATIVE**
9 **EFFICIENCIES, PROGRAM INTEGRITY EFFORTS AND RECIPIENTS' ACCESS TO**
10 **MEDICAID AND OTHER HUMAN SERVICES PROGRAMS AVAILABLE TO THEM**
11 **UNDER NEW YORK STATE LAW**
12

13 **WHEREAS**, in 2010, the State Legislature enacted legislation to gradually assume all
14 Medicaid administrative functions currently provided by counties on behalf of the State, with
15 assurances that this action would generate savings for county property taxpayers, while
16 improving service delivery to recipients; and
17

18 **WHEREAS**, the New York State 2012 – 2013 Executive Budget renews the call for a
19 State assumption of the local Medicaid eligibility and enrollment functions, while placing a cap
20 on County Administrative expenses based on 2011 claiming; and
21

22 **WHEREAS**, this Medicaid administrative funding cap is effective April 1, 2012, and
23 counties have already adopted their budgets for 2012, some of which include increases in their
24 expected costs to administer Medicaid above the State proposed 2011 cap level, largely driven
25 by negotiated labor contracts and state mandated double digit increases in pension contributions;
26 and
27

28 **WHEREAS**, New York's Medicaid program and all public health spending must be
29 reevaluated in the context of the numerous federal and state program reforms with a focus on a
30 modern, patient driven system that ensures public integrity, improves patient outcomes, and
31 places it on a fiscally sustainable path; and
32

33 **WHEREAS**, the New York State Association of Counties (NYSAC) agrees that
34 streamlining of eligibility and enrollment processes as required under the Affordable Care Act
35 and state law, can help facilitate administrative savings, counties remain concerned about the
36 State's ability to maintain and strengthen the quality of services currently delivered to a
37 Medicaid recipient that is also eligible for numerous other publicly financed human service
38 benefits and programs; and
39

40 **WHEREAS**, in light of the new administrative cap proposed in the Governor 2012-13
41 Budget, if the State assumption of Medicaid eligibility is poorly implemented it would negatively
42 impact recipient's access to medical care and other human services program, and also impose
43 new unfunded costs on Counties who are required to maintain Medicaid eligibility functions
44 until the successful completion of the State takeover; and

1 **WHEREAS**, counties contributed and agreed to the Medicaid Redesign Team’s Local
2 Efficiency and Streamlining subcommittee recommendations which were accepted by the
3 Medicaid Redesign Team and should therefore be considered as the basis for the State
4 assumption of administrative eligibility responsibilities;
5

6 **NOW THEREFORE BE IT RESOLVED**, the New York State Association of Counties
7 (NYSAC) calls on the Governor and State Legislature to continue to work with counties to
8 improve the administrative efficiency, including advancements in technology for all human
9 services programs provided and required under New York State law, including Medicaid; and
10

11 **BE IT FURTHER RESOLVED**, the counties of New York are calling on the Governor
12 and State Legislature to recognize that a State takeover of local Medicaid administrative costs
13 cannot be viewed or implemented in a vacuum that fails to address and financially support the
14 total human services administrative system, of which Medicaid is just one component; and
15

16 **BE IT FURTHER RESOLVED**, the counties have expertise, experience and knowledge
17 that the State must consider when designing and implementing a takeover of eligibility functions;
18 and
19

20 **BE IT FURTHER RESOLVED**, the counties should be a partner with the State
21 regarding the design of the State takeover plan, including but not limited to, overall
22 implementation timeframes, the rollout schedule including geographic regions across the State,
23 the development of the technology system aimed at creating efficiency, the impact on other
24 human service related programs and residents of each County who require assistance from other
25 human service programs; and
26

27 **BE IT FURTHER RESOLVED**, in light of the Executive Budget proposal to place a
28 cap on Medicaid administrative expenses claimed by counties to 2011 historical claims, that
29 counties be held harmless on a fiscal and programmatic basis for State delays in implementation
30 of a State takeover; and
31

32 **BE IT FURTHER RESOLVED**, that based on the pace of the State assumption of local
33 administrative functions, and the anticipated timeframe for having the necessary technology in
34 place, local administrative funding should not be reduced or capped until such time as the State
35 assumes significant administrative responsibilities for Medicaid eligibility that would provide
36 local fiscal relief beginning of April 1, 2018 or on the date aligned with the State’s actual
37 progress on implementation; and
38

39 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall
40 forward copies of this Resolution to the Governor, the New York State Legislature and all others
41 deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #5**
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO**
6 **MAINTAIN THE CURRENT SUCCESS OF THE NEW YORK STATE CHILD**
7 **SUPPORT ENFORCEMENT UNIT BY MAINTAINING THE HISTORIC**
8 **COMMITMENT TO A STRONG STATE / LOCAL FISCAL AND POLICY**
9 **PARTNERSHIP**

10
11 **WHEREAS**, the New York State child support program provides custodial parents with
12 assistance in obtaining financial support and medical insurance coverage for their children by
13 locating parents, establishing paternity, establishing support orders, and collecting and
14 distributing child support payments; and
15

16 **WHEREAS**, the State of New York, in partnership with Counties and New York City,
17 have developed a nationally recognized child support program, which in 2010 collected \$1.7
18 billion for children across the State of New York; and
19

20 **WHEREAS**, child support plays an important role in protecting the economic security of
21 hundreds of thousands of children across the State of New York through a strong commitment to
22 financial and medical enforcement of child support orders; and
23

24 **WHEREAS**, the 2012-2013 Executive Budget proposal discontinues State
25 reimbursement for the administration of child support enforcement activities; and
26

27 **WHEREAS**, instead of honoring the successful partnership between the State, Counties
28 and New York City by continuing State reimbursement of the fifty percent of the non-federal
29 share for administrative expenses, the 2012-2013 Executive Budget proposal allows Counties
30 and New York City to collect and retain the State portion of recoveries collected through child
31 support enforcement activities; and
32

33 **NOW THEREFORE BE IT RESOLVED**, the New York State Association of Counties
34 (NYSAC) calls on the Governor and State Legislature to continue the current partnership
35 between the State of New York, Counties and New York City in offering child support
36 enforcement services to families in need; and
37

38 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall
39 forward copies of this Resolution to the Governor, the New York State Legislature and all others
40 deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

Standing Committee on Public Employee Relations
Karl Kampe, Committee Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Employee Relations**
3 **Resolution #1**
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO**
6 **IMPLEMENT PENSION REFORMS TO ADDRESS UNSUSTAINABLE PAYROLL**
7 **COST INCREASES FOR COUNTIES AND REDUCE PRESSURE ON COUNTY**
8 **PROPERTY TAXES**
9

10 **WHEREAS**, County employee pension benefits are determined by the Governor and
11 State Legislature through State law and annual contributions for counties are determined by the
12 New York State Comptroller; and
13

14 **WHEREAS**, between 2001 and 2014, the cost related to this state imposed mandate on
15 counties will increase by over 2400 percent, directly resulting from significant pension benefit
16 enhancements enacted by the State Legislature in the year 2000 and recent poor investment
17 returns in the Common Retirement Fund; and
18

19 **WHEREAS**, State mandated pension contributions in 2012 are estimated to cost county
20 property taxpayers (outside of New York City) nearly \$900 million, representing an average cost
21 increase of 19 percent over last year; and
22

23 **WHEREAS**, it is expected that these double digit annual increases will continue for at
24 least two more years; and
25

26 **WHEREAS**, the increase in required 2012 county pension contributions to the State
27 retirement fund, alone, is projected to exceed the statewide total allowable property tax levy
28 growth imposed under the new property tax cap law; and
29

30 **WHEREAS**, under current projections, the growth in pension costs for counties when
31 coupled with the two percent property tax cap will cause annual pension contributions to
32 consume nearly 25 percent of the entire county property tax levy (outside of New York City) by
33 state fiscal year 2014; and
34

35 **WHEREAS**, these projected increases are unsustainable for county property taxpayers
36 and are a leading cause of rising county property taxes and reduced county quality of life service
37 delivery today; and
38

39 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
40 Counties (NYSAC) calls on the Governor and the State Legislature to enact fundamental reforms
41 to pension benefits in order to reduce the fiscal impact of State mandated pension benefits on
42 county property tax payers by creating a Tier 6; and
43

1 **BE IT FURTHER RESOLVED**, that NYSAC supports the reportable salary for
2 employees in the New York State retirement system for the purpose of calculating a pension not
3 exceeding the Governor’s annual salary (currently \$179,000) and that over time not be included
4 in the calculation; and

5
6 **BE IT FURTHER RESOLVED**, that Tier 6 be created to offer a defined contribution
7 pension option; and

8
9 **BE IT FURTHER RESOLVED**, for a defined benefit option, consideration should be
10 given to raising the minimum retirement age commensurate with Social Security; and

11
12 **BE IT FURTHER RESOLVED**, that previous employees returning to public service
13 not be able to be reinstated to their previous tier after a break in service of more than one year;
14 and

15
16 **BE IT FURTHER RESOLVED**, counties call on the State Comptroller to reconsider
17 the current methodology for determining annual pension contribution rates, and also support a
18 modification to the existing pension amortization program that will allow local governments to
19 borrow at no interest, or allow localities to borrow directly in the marketplace if they can achieve
20 a lower interest rate than offered by the Comptroller; and

21
22 **BE IT FURTHER RESOLVED**, that NYSAC fully supports the Governor’s Tier 6
23 proposal; and

24
25 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
26 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
27 and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

Standing Committee on Public Health and Mental Health
Joseph Todora, Committee Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Health and Mental Health**
3 **Resolution #1**
4

5 **RESOLUTION URGING THE RESTORATION AND STRENGTHENING OF ARTICLE**
6 **VI AND STATE GRANT FUNDING FOR PUBLIC HEALTH SERVICES, AND**
7 **ENSURING COUNTY FLEXIBILITY IN MEETING THE PUBLIC HEALTH NEEDS**
8 **THAT ARE NO LONGER LABELED AS “CORE”**
9

10 **WHEREAS**, stable and timely funding to support “core” public health services and those
11 currently labeled “optional” under Article VI are essential for the protection of our communities;
12 and
13

14 **WHEREAS**, Article VI of the Public Health Law currently provides a base grant, then
15 promises State reimbursement for 36 percent of local health department costs for core public
16 health services; and
17

18 **WHEREAS**, examples of these services include investigation and control of
19 communicable diseases, prevention of lead poisoning, perinatal care, restaurant inspections,
20 monitoring and protection of drinking water and injury prevention; and
21

22 **WHEREAS**, numerous studies show that primary prevention through core public health
23 services is cost-effective and reduces healthcare spending; and
24

25 **WHEREAS**, State grant funding that once provided additional stability to core services
26 has eroded, while State aid and grant payments have been drastically delayed; and
27

28 **WHEREAS**, counties have identified optional services including medical examiner
29 investigations, dental health services, home health services, water and sewage inspection and
30 other environmental health services, and Early Intervention administration and services
31 coordination, as essential and core to their communities based on their assessment of local need;
32 and
33

34 **WHEREAS**, Early Intervention administration and service coordination is a clear state
35 mandate that should not be labeled “optional”; and
36

37 **WHEREAS**, further reductions and delays have crippled the capacity of local
38 governments to protect their residents; and
39

40 **WHEREAS**, counties cannot continue to absorb these cost shifts.
41

42 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
43 Counties (NYSAC) strongly supports the restoration and strengthening of Article VI State Aid &

1 State Grant Funding for Local Public Health Activities as necessary and vital to providing the
2 essential health services needed to protect our communities, and ensuring flexibility in meeting
3 the public health needs that are no longer labeled as "core"; and
4

5 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
6 Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department
7 of Health, and all those deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Health and Mental Health**
3 **Resolution # 2**
4

5 **RESOLUTION CALLING ON THE DEPARTMENT OF HEALTH AND THE**
6 **GOVERNOR OF THE STATE OF NEW YORK TO REINVEST A PORTION OF**
7 **SAVINGS FROM MEDICAID MANAGED CARE REFORM THROUGH THE LOCAL**
8 **GOVERNMENTAL UNITS OF THE 57 COUNTIES AND THE CITY OF NEW YORK,**
9 **TO SUPPORT UNINSURED PERSONS AND NON-MEDICAID SERVICES**

10
11 **WHEREAS**, the New York State Medicaid Redesign Team, established and empowered
12 by Executive Order #5 of 2011, has recommended that all Medicaid beneficiaries and services be
13 carved into managed care plans and/or similar risk-based arrangements by 2014; and
14

15 **WHEREAS**, the implementation of full Medicaid Managed Care, Special Needs Plans,
16 Behavioral Health Organizations, and other risk-based arrangements are anticipated to produce
17 significant savings for State Medicaid spending; and
18

19 **WHEREAS**, local planning and investment in social service and Safety Net program
20 infrastructure is necessary to contain Medicaid and local expenditure growth, particularly in
21 acute services such as hospital admissions, and emergency interventions; and
22

23 **WHEREAS**, the 57 counties and the City of New York State through their statutory local
24 governmental units, are charged under Article 41 of Mental Hygiene Law with providing for the
25 appropriate arrangement of any necessary services for all persons, regardless of such person's
26 ability to pay for such services; and
27

28 **WHEREAS**, Article XVII of the New York State Constitution establishes that the “aid,
29 care and support of the needy are public concerns and shall be provided by the state and by such
30 of its subdivisions;” and
31

32 **WHEREAS**, the continuing conversion of state aid funds to Medicaid programs has led to
33 a diminution of local assistance funds used to assist the uninsured and the economically and
34 socially marginalized.
35

36 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
37 Counties (NYSAC) calls on the Governor and the State Department of Health to reinvest a
38 portion of savings from Medicaid Managed Care and similar risk-based arrangements, for
39 localities to use in providing services to the uninsured and economically marginalized, and for
40 those necessary support services that are not reimbursed under the Medicaid program; and
41

42 **BE IT FURTHER RESOLVED**, that the NYSAC shall forward copies of this
43 resolution to Governor Andrew M. Cuomo, to the State Department of Health, the State Office of
44 Mental Health, and all others deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Health and Mental Health**
3 **Resolution # 3**
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND THE STATE OFFICE OF**
6 **MENTAL HEALTH AND STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL**
7 **DISABILITIES TO MAINTAIN CORE INPATIENT FACILITY CAPACITY FOR**
8 **PEOPLE WITH HIGH INTENSITY SERVICE NEEDS**
9

10 **WHEREAS**, New York State budget reductions and policy trends have led to the
11 significant reduction in State-operated services across many settings; and
12

13 **WHEREAS**, the State Office for People With Developmental Disabilities (OPWDD)
14 plans to reduce State developmental center residential capacity by hundreds of beds by 2014; and
15

16 **WHEREAS**, the State Office of Mental Health (OMH) continues to close State-operated
17 psychiatric centers and wards, notwithstanding statutory requirements for community
18 reinvestment of a portion of the savings from these closures; and
19

20 **WHEREAS**, many people residing in State-operated residential facilities operated by
21 OPWDD and OMH may be more appropriately served in a community setting, however there is
22 still a need for a core capacity of some State-operated beds; and
23

24 **WHEREAS**, the Commissioners of OPWDD and OMH are legally responsible for the
25 placement and custody of forensic patients within their purview, in accordance with Criminal
26 Procedure laws and regulations; and
27

28 **WHEREAS**, currently, there are few community-based options for people requiring
29 intensive services or forensic custody, thus causing access problems for all people in need of
30 such services; and
31

32 **WHEREAS**, local funding and resources to meet the needs of the persons leaving State
33 facilities have been attenuating concurrently with State level closures; and
34

35 **WHEREAS**, the above State actions may undermine local governmental units' ability to
36 plan for the necessary and adequate health and mental hygiene services as required by Article 41
37 of Mental Hygiene Law.
38

39 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
40 Counties (NYSAC) calls on the Governor, the State Office of Mental Health, and the State
41 Office for People with Developmental Disabilities to ensure an adequate capacity of State-
42 operated inpatient units to continue serving those with the highest care and/or custodial needs;
43 and
44

1 **BE IT FURTHER RESOLVED**, that the State agencies, in conjunction with all
2 impacted Local Governmental Units, shall explore alternative policies and funding options for
3 community-based alternatives to State-operated facilities for forensic and non-forensic
4 populations in need of high levels of care; and
5

6 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
7 Governor Andrew M. Cuomo, the State Office of Mental Health, the State Office for People with
8 Developmental Disabilities, the New York State Legislature, and all others deemed necessary
9 and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

Standing Committee on Public Safety
Sheriff Ron Spike, Committee Chair
James Hoffman, Committee Vice-Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #1**

4
5 **RESOLUTION CALLING FOR THE ALLOCATION OF REVENUES FROM THE**
6 **NEW YORK STATE PUBLIC SAFETY SURCHARGE TO COUNTIES TO SUPPORT**
7 **9-1-1 AND PUBLIC SAFETY COMMUNICATIONS**

8
9 **WHEREAS**, the State of New York imposes a \$1.20 public safety surcharge on all
10 wireless telephones, which in 2010 raised approximately \$200 million, and for which these funds
11 were intended to be spent on 9-1-1 operations to help first responders to communicate and
12 respond to emergencies; and

13
14 **WHEREAS**, counties and other municipalities are the actual providers of 9-1-1 services
15 to the people of New York State and incur substantial costs to upgrade and maintain
16 communications systems, as well as keep up to date with technological changes such as Next
17 Generation 9-1-1 (NG 911), which is estimated to take 10 years to implement at a cost of
18 approximately \$22 billion in New York State; and

19
20 **WHEREAS**, the State of New York has historically allocated only 6 percent of the funds
21 collected from the 9-1-1 surcharge to counties who are responsible for the operations of 9-1-1
22 centers; and

23
24 **WHEREAS**, the 2010-2011 New York State Budget designated \$20 million in grants
25 from the cellular surcharge to fund county regional communication projects, and the awards of
26 these moneys to counties was announced in December 2011; and

27
28 **WHEREAS**, round 2 of these grants will be awarded from an appropriation of \$45
29 million, allocated in the 2011-12 Budget; and

30
31 **WHEREAS**, the 2012-13 proposed Executive Budget appropriated \$75 million for these
32 grants, the fullest amount allowable under current law; and

33
34 **WHEREAS**, counties are in dire need of this funding to upgrade their communications
35 systems and invest in long-term solutions for interoperable communications; and

36
37 **WHEREAS**, New York State's practice of raiding these funds (a violation of federal
38 public law 110-282 of 2008) and using these revenues for other purposes makes counties
39 ineligible for federal funding opportunities and undermines counties' abilities to make forward-
40 thinking investments in their public safety communications systems.

41

1 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
2 Counties (NYSAC) appreciates the Governor’s appropriation of \$75 million in the 2012-13
3 proposed budget; and
4

5 **BE IT FURTHER RESOLVED**, that NYSAC commends the Office of Interoperable
6 and Emergency Communications for their attentiveness to the new grant program, and further
7 urges the swift application and dispersal process for Round 2 of these funds; and
8

9 **BE IT FURTHER RESOLVED**, that NYSAC urges statutory revisions to allow
10 additional funds to be used for local public safety interoperable communications projects in
11 future years; and
12

13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
14 Governor Andrew M. Cuomo, the New York State Legislature, the Commissioner of the
15 Division of Homeland Security and Emergency Services and all others deemed necessary and
16 proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #2**

4
5 **RESOLUTION CALLING ON THE GOVERNOR AND THE STATE LEGISLATURE**
6 **TO ENACT LEGISLATION THAT WILL BRING MANDATE RELIEF TO COUNTY**
7 **PROBATION DEPARTMENTS**

8
9 **WHEREAS**, the New York State Council of Probation Administrators, representing
10 NYS Probation Directors, Administrators and Commissioners has diligently worked on mandate
11 relief issues; and

12
13 **WHEREAS**, county Probation Departments are an integral part of the Criminal Justice
14 System and operate within the legal framework of the Criminal Procedure Law, the Penal Law
15 and the Family Court Act; and

16
17 **WHEREAS**, it is the mission of Probation to protect the community through intervention
18 in the lives of those under supervision by facilitating compliance with court orders and serving as
19 a catalyst for positive change; and

20
21 **WHEREAS**, State funding for Probation has been drastically cut from a 46.5 percent
22 State share in 1990 to less than 12 percent in 2010, putting a huge strain on counties to fund the
23 remaining 88 percent at a cost to county property taxpayers of \$340 million in 2010; and

24
25 **WHEREAS**, little to no mandate relief has been provided to Probation in these tough
26 fiscal times; and

27
28 **WHEREAS**, continual cuts have been made in Probation funding by NYS, while at the
29 same time increasing the number of mandated programs and services County Probation
30 Departments are required to provide; and

31
32 **WHEREAS**, counties can no longer afford to sustain these cuts, leaving Probation
33 departments with less staff, more work and no mandate relief in sight.

34
35 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
36 Counties calls upon the Governor and the State Legislature to immediately enact statutory and
37 regulatory changes that provide county probation departments mandate relief in the following
38 ways:

- 39
40 • Enact a moratorium on all new legislation that increases the workload of County Probation
41 Departments without full funding being attached up front;
42 • Ensure that funding attached to all new programs and initiatives is distributed to all counties,
43 regardless of their size, so that counties receive reimbursement proportionate to their
44 probationer population;

- 1 • Modify the Criminal Procedure Law to streamline Presentence Investigations (PSI) by
2 eliminating the requirement for a PSI to be ordered when a defendant is to be sentenced to
3 time served, is convicted of a crime that occurred while an inmate in a state correctional
4 facility, and where the sole purpose is to determine Youthful Offender status;
5 • Order a moratorium on all new policies and guidelines issued by regulatory agencies that do
6 not directly relate to mandate relief;
7 • Direct the Office of Probation and Correctional Alternatives (OPCA) to allow Probation the
8 flexibility to use the Probation Officer Trainee (POT) or Probation Officer (PO) eligible civil
9 service list at their discretion. Currently a directive from OPCA directs departments to
10 exhaust PO list before using POT list;
11 • Direct the Division of Budget to ensure that funding streams for certain programs be made
12 directly available to Probation Departments when Probation provides service. This is not
13 currently the case with funds related to juvenile services where Probation provides those
14 services in counties instead of the Department of Social Services.
15 • Amend the Penal Law to require at least half of the fee charged for the collection of DNA to
16 be repaid to the counties to cover the costs associated with the taking of that DNA by
17 probation officers or local law enforcement; and

18 **BE IT FURTHER RESOLVED,** that NYSAC shall forward copies of this Resolution to
19 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
20 and proper.

1 **2012 Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #3**

4
5 **RESOLUTION CALLING FOR MANDATE RELIEF FOR NEW YORK STATE FIRE**
6 **COMPANIES TO ENSURE THE EFFICIENT SUPPORT OF LOCAL PUBLIC SAFETY**
7 **AND THE SAFETY OF ALL NEW YORKERS**

8
9 **WHEREAS**, in 2007, New York adopted a law that required the use of “safety ropes and
10 system components” in order to protect the health and safety of firefighters; and

11
12 **WHEREAS**, this law requires the New York State Department of Labor to establish
13 rules for the use of “safety ropes” based on the National Fire Protection Association (NFPA)
14 section 1983 standard; and

15
16 **WHEREAS**, although well-intended, the safety ropes law does not authorize the use of
17 other equipment that may be suitable for escape from an above-grade structure fire, including
18 equipment that is generally considered acceptable but not included in the definition of “safety
19 rope and system components” in the law; and

20
21 **WHEREAS**, changes in NFPA standards to reflect advances in technology and best
22 practices have not been incorporated into the law, and therefore the current law prevents the use
23 of newly developed and improved equipment that can save firefighters’ lives; and

24
25 **WHEREAS**, safety ropes and system components can be expensive and unduly
26 burdensome for a firefighter to carry into each structure fire, therefore wasting resources and
27 encumbering a firefighter with a potentially unnecessary device; and

28
29 **WHEREAS**, the above mentioned safety ropes and system components issue is just one
30 example of an unduly burdensome mandate on firefighters that could be alleviated if the State
31 Legislature would undertake a comprehensive mandate relief effort to provide fiscal relief to
32 local public safety entities, including firefighting companies.

33
34 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
35 Counties (NYSAC) urges State Lawmakers to pursue mandate relief for local public safety first
36 responders, including local fire companies and volunteer fire departments, to ensure the
37 emergency response needs of New York communities are not compromised by onerous or
38 obsolete regulations and requirements.

39
40 **BE IT FURTHER RESOLVED** that NYSAC shall forward copies of this resolution to
41 Governor Andrew M. Cuomo, the New York State Legislature, the Division of Homeland
42 Security and Emergency Services and all others deemed necessary and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #4**

4
5 **RESOLUTION URGING NEW YORK STATE AND THE FEDERAL GOVERNMENT**
6 **TO BAN THE MANUFACTURE, SALE AND POSSESSION OF DANGEROUS**
7 **UNREGULATED NATURAL AND SYNTHETIC DRUGS**

8
9 **WHEREAS**, the sales and abuses of synthetic “designer” drugs, artificial cannabinoids,
10 and currently legal and illegal natural psychoactive and hallucinogenic herbs, known by various
11 names such as “Happy Shaman,” “legal weed,” salvia divinorum, “Molly,” “mephedrone,”
12 “water,” “Sally D,” and many others, are increasing among adult and youth populations; and
13

14 **WHEREAS**, hospitals, health agencies, and poison control centers are experiencing
15 increased emergency room cases, illnesses, deaths, and reports linked to the use and abuse of
16 these substances by children and adults; and
17

18 **WHEREAS**, law enforcement agencies and courts are seeing increased crime in our
19 local communities associated with the sale and abuse of these substances; and
20

21 **WHEREAS**, manufacturers and retailers of these substances often directly market them
22 to children and teenagers through the Internet and by colorful, youthful packaging designs that
23 include no warnings or adequate descriptions of the ingredients, and are deceptively sold as
24 incense or aroma products; and
25

26 **WHEREAS**, underage youth obtain the substances either through storefront retailers,
27 indirectly through adults, or through Internet sales; and
28

29 **WHEREAS**, the availability and ready access of these substitute drugs, many of which
30 are not detected by normal drug tests, undermines publicly-funded meaningful and effective
31 substance abuse programs directed toward the treatment and counseling of substance abusers;
32 and
33

34 **WHEREAS**, Internet sales of these substances raises questions about interstate
35 commerce regulations and concerns about the distribution of unregulated harmful drugs across
36 state and national boundaries, requiring action at the federal level; and
37

38 **WHEREAS**, several states have banned the manufacture, sale and possession of many of
39 these substances, including Kentucky, Arizona, Michigan, Missouri, Kansas, Tennessee, and
40 Idaho, and several others are working on similar legislation; and
41

42 **WHEREAS**, the State Legislature again has several bills before it addressing this issue
43 including A.7231 (Ortiz)/ S.1834 (Flanagan), A.8568 (Ortiz)/ S.1833 (Flanagan), A.8913
44 (Barclay), A.7324 (Zebrowsky), A.2312 (Heastie), and A.5491B (Rivera); and

1 **WHEREAS**, despite the efforts of several members of New York’s State Legislature to
2 enact legislation that would criminalize the manufacture, sale and possession of these
3 substances, the issue has languished in the State Legislature for many years, and
4

5 **WHEREAS**, all these facts support the assertion that these substances pose a significant
6 and immediate public health threat and danger to public safety.
7

8 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC urges the State Legislature
9 and Governor to immediately pass meaningful and effective legislation criminalizing the
10 manufacture, sale and possession of these substances and their future derivatives by anyone of
11 any age in New York State; and
12

13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
14 Governor Andrew M Cuomo, the New York State Legislature and all others deemed necessary
15 and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #5**

4
5 **RESOLUTION URGING STATE OFFICIALS TO TAKE ACTION TO ALLEVIATE**
6 **THE BURDEN ON LOCAL JAILS OF HOUSING PAROLE VIOLATORS IN COUNTY**
7 **JAILS**

8
9 **WHEREAS**, the incarceration of parole violators in county jails is an unfunded State
10 mandate on counties that annually costs taxpayers hundreds of thousands of dollars; and

11
12 **WHEREAS**, counties incur substantial costs to construct and maintain jail facilities to
13 accommodate inmate populations in accordance with standards set by the New York State
14 Commission of Correction; and

15
16 **WHEREAS**, counties are also mandated to pay for medical, hospital and dental expenses
17 of parole violators incarcerated in county jails; and

18
19 **WHEREAS**, since the enactment of the 2009-10 State Budget the State no longer
20 provides counties with reimbursement for the cost of housing parole violators in county jails; and

21
22 **WHEREAS**, parole violators are a State responsibility and the State should cover the
23 costs of their incarceration.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
26 Counties (NYSAC) calls on Governor Cuomo and Members of the State Legislature to enact
27 legislation requiring that parole violators be incarcerated in State Correctional Facilities when
28 they violate the terms and conditions of their parole.

29
30 **BE IT FURTHER RESOLVED**, that NYSAC urges Governor Andrew M. Cuomo and
31 the New York State Commission of Correction, with support from the New York State
32 Legislature, to continue to work with counties to identify ways to alleviate unfunded mandates
33 and onerous requirements on county jails so they may operate more efficiently, while protecting
34 the rights and safety of both inmates and employees of correctional facilities, saving county
35 property tax dollars.

36
37 **BE IT FURTHER RESOLVED** that NYSAC shall forward copies of this Resolution to
38 Governor Andrew M. Cuomo, the Chairman of the New York State Commission of Correction,
39 the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

Standing Committee on Taxation & Finance
Charles Nesbitt, Committee Chair
Arthur Johnson, Committee Vice-Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Taxation and Finance**
3 **Resolution #1**

4
5 **RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO HONOR**
6 **HOME RULE REQUESTS, INCLUDING REVENUE ITEMS, IN ORDER TO HELP**
7 **LOCAL OFFICIALS BETTER MANAGE THEIR FINANCES AND REDUCE**
8 **PRESSURE ON PROPERTY TAXES**
9

10 **WHEREAS**, County “home rule bills” seek authority and flexibility from the Legislature
11 to implement and deliver State mandated programs and local public health and safety, economic
12 development and “quality of life” services demanded by county residents; and
13

14 **WHEREAS**, counties continue to face significant challenges in balancing their local
15 budgets largely due to a handful of State imposed mandates including Medicaid, pensions, early
16 intervention, public health services and Preschool Special Education services; and
17

18 **WHEREAS**, the State Legislature has enacted a property tax cap law that limits real
19 property tax levy growth to no more than two percent annually; and
20

21 **WHEREAS**, the most significant State mandates, which are entirely under State control
22 as to design of benefits and scope, have an annual growth rate many times higher than the
23 allowable two percent property tax cap; and
24

25 **WHEREAS**, the State Legislature has enacted no significant mandate relief to help
26 counties manage their finances within the State imposed property tax cap, therefore jeopardizing
27 any real property tax relief for local taxpayers; and
28

29 **WHEREAS**, State lawmakers have traditionally honored home rule requests during their
30 normal course of business without significant delay; and
31

32 **WHEREAS**, in recent years the State Legislature has delayed responding to home rule
33 requests and even ignored them; and
34

35 **WHEREAS**, counties must deliver and pay for many state programs using local tax
36 sources and home rule requests are, in essence, county leaders’ attempt to manage their budgets
37 and pay for State mandated services in the least intrusive and burdensome way for local property
38 taxpayers; and
39

40 **WHEREAS**, county leaders make home rule requests out of necessity and are often
41 designed to limit or prevent property tax increases or severe cuts in local quality of life services
42 provided at the county level, by seeking local revenues through non-property tax sources.
43

1 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
2 Counties (NYSAC) urges the Governor and State Legislature to reform the home rule process so
3 it works efficiently, eliminates the need for renewals every two years of local sales tax rates, and
4 allows county officials to set their own local sales, and all other home rule revenue requests,
5 within parameters set by the State in order to recognize the burden unfunded and underfunded
6 State mandates place on local property taxpayers; and
7

8 **BE IT FURTHER RESOLVED**, that a first step in reforming the home rule process is
9 to equalize and harmonize the home rule sales tax authority for all counties with the permanent
10 sales tax authority already granted to New York City, which would end time consuming and
11 costly renewals by the State Legislature every two years; and
12

13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
14 Governor Andrew M. Cuomo, members of the New York State Legislature and all those deemed
15 necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2012 NYSAC Legislative Conference
Albany, NY**

Standing Committee on Transportation and Public Works
Jean Raymond, Committee Chair

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Transportation & Public Works**
3 **Resolution #1**
4

5 **OPPOSING STATE DEPARTMENT OF MOTOR VEHICLES PLAN FOR DROPPING**
6 **VISION TEST**
7

8 **WHEREAS**, safe driving requires attention, clear focus and good vision; and
9

10 **WHEREAS**, effective September 28, 2011, the New York State Department of Motor
11 Vehicles (DMV) had dropped its requirement for a vision test when drivers renew their driver's
12 license; and
13

14 **WHEREAS**, that policy change allowed for drivers to "self certify" online, that they
15 have 20/40 vision or better, when they renew their license, and bypass the mandatory vision test
16 normally required for renewal; and
17

18 **WHEREAS**, by allowing drivers to self certify that their vision is correct, anyone can
19 have their license renewed even if they severe vision problems, thereby creating dangerous
20 driving situations for everyone; and
21

22 **WHEREAS**, this policy change has been suspended for the time being by request from
23 the Governor's Office; and
24

25 **WHEREAS**, the State DMV has not made an official statement that this policy will be
26 permanently rescinded going forward; and
27

28 **WHEREAS**, all counties are concerned for the safety of their drivers and residents, and
29 urges the State DMV to officially rescind this plan.
30

31 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
32 Counties (NYSAC) hereby opposes State DMV's previous implementation and any potential
33 reimplementation of dropping its vision test requirement; and
34

35 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
36 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary
37 and proper.

1 **2012 NYSAC Legislative Conference**
2 **Standing Committee on Transportation & Public Works**
3 **Resolution #2**

4
5 **RESOLUTION TO ADVANCE FUNDING AND EXPEDITE THE TIMETABLES TO**
6 **COMPLETE THE STATE I -86 PROJECT**
7

8 **WHEREAS**, Governor Cuomo has commitments to the revitalization and improvement
9 of the State’s infrastructure and highways to help boost the entire economy of New York; and
10

11 **WHEREAS**, U.S. Route 17 (I-86) runs across eleven counties that make up three Local
12 Development Districts; and
13

14 **WHEREAS**, the New York I-86 Economic Development Benefit Study, issued in
15 January 2000, which was widely accepted and quoted at all levels of government, called for an
16 aggressive eight-year construction period that would result in a \$3.2 billion direct economic
17 benefit to communities along the I-86 Highway Corridor once the conversion has been
18 completed; and
19

20 **WHEREAS**, the I-86 renovation project has made progress, however the area of the I-86
21 project stretching through Broome County, Delaware County, Sullivan County, and Orange
22 County is still incomplete; and
23

24 **WHEREAS**, Governor Pataki and the New York State Department of Transportation
25 committed to a ten-to-twelve year construction program to complete the Route 17 conversion to
26 I-86 beginning with the first designation (177 miles Chemung County West to Pennsylvania) on
27 December 3, 1999; and
28

29 **WHEREAS**, the completion of the I-86 project will allow for greater traffic flow into the
30 eleven counties which will result in more spending within those counties and help improve the
31 economy of the Southern Tier and Upstate New York.
32

33 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
34 Counties (NYSAC) does hereby urge Governor Cuomo and the New York State Legislature to
35 advance funding necessary to expedite the time tables set forth and complete the I-86 project,
36 and
37

38 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
39 Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department
40 of Transportation, and all others deemed necessary and proper.
41