



**NYSAC**

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NEW YORK STATE  
ASSOCIATION OF COUNTIES

# **2016 NYSAC Legislative Conference Resolutions**

**Albany County, New York**

**Hon. William Cherry, President  
Stephen J. Acquario, Executive Director**

**2016 NYSAC Legislative Conference  
Resolutions**

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NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, New York**

**Board of Directors**

**Hon. William Cherry, President  
Stephen J. Acquario, Executive Director**

**2016 NYSAC Legislative Conference  
Board of Directors  
Resolution #1**

**Resolution Thanking the Governor and the State Legislature for Making  
Heroin and Opioid Abuse Prevention a Top Public Safety, Public Health,  
and Mental Health Priority in New York State in 2016**

**WHEREAS**, communities across the nation and New York State are seeing a dramatic use of heroin and opioid abuse; and

**WHEREAS**, between 2005-2014 heroin treatment admissions among upstate New York residents increased by 115% and admissions on Long Island increased by 116%, according to the NYS Office of Alcoholism and Substance Abuse Services; and

**WHEREAS**, heroin and opioid abuse and addiction does not discriminate: it can happen in any household, in any family, in any neighborhood, and in any community; and

**WHEREAS**, the illegal use, addiction and abuse of heroin and opioids affect many areas of county government ranging from public safety, public health, mental health and corrections; and

**WHEREAS**, opioid and heroin addiction often starts from the dependence of such painkillers as Oxycodone, OxyContin and Percocet; and

**WHEREAS**, when prescription opioids become too expensive and difficult to obtain, opioid addicted individuals often turn to heroin, which is more readily available and much cheaper to obtain; and

**WHEREAS**, the opioid and heroin addiction have reached crisis proportions and the Federal Government, New York State and several counties have begun programs designed to combat the illegal use of these drugs; and

**WHEREAS**, in order to help monitor the growing problem with heroin and opioids, in 2013 the state instituted the Internet System for Tracking Over-Prescribing (ISTOP) and the Prescription Drug Monitoring Program (PDMP) to prevent prescription opioid abuse by tracking the prescribing and dispensing of controlled prescription drugs to patients; and

**WHEREAS**, in 2014, Attorney General Schneiderman established the Community Overdoses Prevention (COP) program that gives eligible law enforcement agencies funding for access to naloxone, which is also known as narcan; and

**WHEREAS**, by leveraging \$5 million of funds appropriated from crime seizure monies through the 2014/15 Enacted State Budget, the Attorney General provided funding to offset the cost of a “naloxone kit” for every sworn officer in the state; and

**WHEREAS**, in addition, during the 2014 Legislative Session the Senate, Assembly and Governor worked together to sign a comprehensive package of bills that ensure treatment for those affected by addiction, prevents the spread of drug use, and gives law enforcement the tools they may need to curb this growing epidemic; and

**WHEREAS**, in July of 2015, the U.S Centers for Disease Control (CDC) released a study showing the continued increase in heroin use and overdose deaths; and

**WHEREAS**, The CDC report showed from 2002-2004, 379,000 Americans reported using heroin within a 12-month period, a statistic that nearly doubled by 2011-12, when the number increased to 663,000 Americans reporting using the drug.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) thanks the Governor and the State Legislature for making heroin and opioid abuse a top public safety, public health and mental health priority in the state in 2016; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

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

**NYSAC 2016 Legislative Conference  
Board of Directors  
Resolution #2**

**Resolution Calling on the Governor and the State Legislature to Reject the  
Private Activity Bond Allocation Act of 2016**

**WHEREAS**, Part R of the Article VII TED budget legislation would require projects financed by local Industrial Development Agencies with tax-exempt private activity bonds subject to the bond volume cap be approved by the Public Authority Control Board (PACB); and

**WHEREAS**, the PACB was created by Chapter 38 of the Laws of 1976 to monitor and approve state public authority debt in response to a growing amount of state public debt issued by state public authorities, which contributed significantly to the New York State/New York City fiscal crisis of the mid-1970s; and

**WHEREAS**, the law requires eleven statewide public authorities to receive a resolution of approval from the PACB prior to entering into project-related financings; and

**WHEREAS**, tax-exempt private activity bonds issued are the obligation and liability of the borrower, as stated in the agreement contained in the bond documents; and

**WHEREAS**, in 1986, Congress and the President enacted comprehensive tax reform which limited the amount of tax-exempt private activity bonds that could be issued in a state. The bond volume cap was established as a per capita dollar amount. The law established a 50-50 allocation of tax-exempt private activity bond capacity for statewide and local issuers; and

**WHEREAS**, New York responded by creating a law that allocated tax-exempt Private Activity Bonds (PAB) according to the following formula: one-third for state issuers; one-third for local issuers (IDAs); and one-third for a bond reserve that could be accessed by state or local issuers should they exhaust their local allocation but still have projects to be financed; and

**WHEREAS**, today, the federal formula allocates \$100 times the population of the state, allowing New York just under \$2 Billion in PAB capacity, one third of which is reallocated to local agencies; and

**WHEREAS**, this formula established state control of its allocation and local control of bond capacity allocated to IDAs; and

**WHEREAS**, state control over the local allocation casts aside the principle of local control of the local allocation of the state volume cap; and

**WHEREAS**, these bonds finance very specific types of projects authorized in IRS regulations, including manufacturing, pollution control equipment, waste disposal facilities and affordable housing; and

**WHEREAS**, the bond cap allocation is a vital resource for the City; and

**WHEREAS**, over the last two years, the City has financed more than 16,700 affordable apartments across give boroughs using their bond cap allocations; and

**WHEREAS**, these local projects have no impact on state debt, and language proposed in the Governor's budget would eliminate the principle of local control provided in the current statute, which has operated effectively for 29 years.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls on Governor Cuomo and State Legislature to reject the budget proposal regarding the Private Activity Bond Allocation Act of 2016; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

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

**NYSAC 2016 Legislative Conference  
Board of Directors  
Resolution #3**

**Resolution Calling on the State of New York to Enact Changes to Become  
REAL ID Compliant**

**WHEREAS**, the REAL ID Act was enacted in 2005 on the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification"; and

**WHEREAS**, the Act established minimum security standards for state-issued driver's licenses and identification cards, and prohibited Federal agencies from accepting for official purposes licenses and identification cards from states that do not meet these standards; and

**WHEREAS**, the Act is intended to increase public safety within the United States and improve travel security; and

**WHEREAS**, according to the United States Division of Homeland Security, starting January 22, 2018, passengers who have driver's licenses issued by a state that is not yet compliant with REAL ID, and that state has not received an extension will need to show an alternative form of acceptable identification for domestic air travel; and

**WHEREAS**, starting October 1, 2020, every air traveler will need to present a REAL ID-compliant license or another acceptable form of identification for domestic air travel; and

**WHEREAS**, 52 counties run DMV offices and serve agents for the state, providing drivers' licenses and other forms of identification; and

**WHEREAS**, drivers license applications processed at county DMVs provide an opportunity for New Yorkers to register as organ and tissue donors; and

**WHEREAS**, county officials are aware of the growing concern with their residents that New York State must make multiple changes to state issued identification documents, including drivers' licenses, to increase security and become REAL ID compliant.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties in conjunction with its affiliate, New York State Association of County Clerks, urges the Governor and the State Legislature to develop a plan and set aside resources so the state can implement necessary changes to state issued identification as soon as practicable in order to become fully compliant with REAL ID and increase safety and security throughout the state; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

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

**NYSAC 2016 Legislative Conference  
Board of Directors  
Resolution #4**

**Resolution Calling On The State to Create A State And Local Public Water Integrity Taskforce to Assure the Delivery of Safe Drinking Water for the Well-being of All New Yorkers**

**WHEREAS**, the United States Environmental Protection Agency (EPA) established the public water system supervision program under the authority of the 1974 Safe Drinking Water Act (SDWA), and under the SDWA, the EPA sets national limits on contaminant levels in drinking water to ensure that the water is safe for human consumption; and

**WHEREAS**, the New York State Department of Health in cooperation with county health departments, regulates the operation, design and quality of public water supplies; and

**WHEREAS**, both locally and across the country there has been noteworthy cases of unsafe and contaminated drinking water that has caused serious public health concerns; and

**WHEREAS**, New York State has some of the oldest water infrastructure in the nation, and pipes under New York's cities and towns are failing at an alarming rate; and

**WHEREAS**, New York State is an old industrial state, housing many non-operational manufacturing plants; and

**WHEREAS**, there are thousands of chemicals in drinking water that not tested for, but are harmful if consumed; and

**WHEREAS**, Hoosick Falls, New York is currently undergoing a drinking water crisis due to contamination of their local water supply and as the EPA has declared their drinking water unsafe for human consumption; and

**WHEREAS**, Governor Cuomo has directed New York State agencies to use Superfund money to install filtration systems and for testing to address the presence of a toxic chemical in Hoosick Fall's local water supply; and

**WHEREAS**, in Flint, Michigan high levels of lead have plagued Flint's municipal water supply for at least a year, prompting extensive emergency measures to keep residents safe; and

**WHEREAS**, with New York's aging water infrastructure and long established history as a manufacturing state, the time to review our current drinking water requirements is now.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties calls for enhanced reimbursement to counties and our municipalities for water testing; and

**BE IT FURTHER RESOLVED**, that the New York State Association of Counties urges the State to create a state and local public water integrity taskforce to assure the delivery of safe drinking water for the well-being of all New Yorkers; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

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

**NYSAC 2016 Legislative Conference  
Board of Directors  
Resolution #5**

**Resolution Calling on Governor Andrew M. Cuomo and the State  
Legislature to More Equitably and Efficiently impose the 9-1-1 Surcharge on  
all Wireless Communications Devices and Use Revenues to Finance County  
9-1-1**

**WHEREAS**, the State of New York imposes a \$1.20 public safety surcharge on wireless “contract telephones,” which, when it was enabled in statute, was intended to fund 9-1-1 operations and help dispatchers, first responders and law enforcement officers to communicate and respond to emergencies; and

**WHEREAS**, the “pre-paid” cellular phone market is currently not contributing resources to support 9-1-1 service; and

**WHEREAS**, it’s estimated at least 1/3 of all cell phones are “pre-paid” and do not pay the \$1.20 state surcharge or the \$.30 local surcharge; and

**WHEREAS**, more than 30 states have expanded their 9-1-1 surcharge to “pre-paid” phones; and

**WHEREAS**, the growth of smart phones into the “prepaid” marketplace in recent years is accelerating and providers are moving away from annual contracts toward “prepaid” monthly programs; and

**WHEREAS**, the State’s revenues from the \$1.20 surcharge totals nearly \$200 million annually but is declining, with the majority of which is used by the state for purposes other than 9-1-1; and

**WHEREAS**, current funding mechanisms do provide enough funding to address the essential needs of all counties nor the implementation of NextGen 9-1-1.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the State Legislature to determine a way to ensure adequate funds are available for emergency needs and authorize all counties the authority to impose a local surcharge up to a \$1.20 on ALL wireless devices that are capable of accessing 911 services; and

**BE IT FURTHER RESOLVED**, that any expansion of the state surcharge to prepaid plans should commensurately authorize local surcharges for the same purpose; and

**BE IT FURTHER RESOLVED**, the state should provide optional authority for the local wireless \$.30 surcharge for the 8 counties that do not currently impose this surcharge; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

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NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, New York**

**Standing Committee on  
Agriculture**

**Hon. A. Douglas Berwanger (Wyoming County) – Chair  
Angela Ellis (Livingston County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Agriculture  
Resolution #1**

**Resolution to Support Funding for Farmland Preservation and Agriculture  
Local Assistance Programs**

**WHEREAS**, the enacted 2015/16 state budget included \$50 million from the Special Infrastructure Account for farmland preservation and other strategic initiatives to protect farms and related businesses in the Southern Tier and Hudson Valley; and

**WHEREAS**, when combined with the \$15 million allocation for farmland protection from the Environmental Protection Fund, the enacted budget represented the largest investment in farmland protection in New York State history; and

**WHEREAS**, New York State's funding for agriculture local assistance programs has not seen an increase in many years; and

**WHEREAS**, annually, the Executive-proposed state budget does not include funding for many core programs, leaving it to the legislature to restore funding before the budget is enacted; and

**WHEREAS**, the enacted 2015/16 state budget allocated \$30,231,000 in funding for agriculture local assistance programs, a significant increase over the \$16,183,000 included in the Governor's initial proposal; and

**WHEREAS**, the Governor's 2016/17 proposed budget, released on January 13, 2016, allocated \$20 million to farmland preservation, and \$19,863,000 to agriculture local assistance programs; and

**WHEREAS**, the agriculture industry remains a top contributor to the New York State economy, providing critical jobs, revenues and food for our state and beyond; and

**WHEREAS**, New York's farmland protection and agriculture assistance programs help sustain this vital industry, and are deserving of a higher level of funding that can be continued in future years.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) supports the historic commitment New York State made in 2015 toward farmland preservation, and urges state lawmakers to sustain this commitment; and

**BE IT FURTHER RESOLVED**, that NYSAC calls upon the Governor and State Legislature to continue New York's commitment to local farms and the agricultural sector and provide a robust level of funding both for farmland preservation and local assistance programs; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Essex County, New York**

**Standing Committee on  
Children with Special Needs**

**Lisa Mell (Schenectady County) – Chair  
Hon. Anita Daly (Saratoga County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Children with Special Needs  
Resolution #1**

**Resolution Urging the Department of Health and the Division of Budget to Prioritize Reimbursing County Costs for Early Intervention Services that Were Provided and Paid for Prior to the State Fiscal Agent Administrative Takeover and Remain Outstanding**

**WHEREAS**, prior to 2013, counties funded 100% of the cost of the state's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under state law; and

**WHEREAS**, the state implemented a State Fiscal Agent administrative model in April 2013 that centralized billing and contracting at the state level, rather than at the county level; and

**WHEREAS**, due to limitations of the New York State Department of Health (NYSDOH) New York Early Intervention System (NYEIS) system, and inaccuracies in reporting and data that continue since its launch in 2010, counties have sought to settle these outstanding reimbursements for almost three years, but are reliant on the NYSDOH to provide data to identify the exact claims outstanding; and

**WHEREAS**, NYSDOH and a special work group of counties that has been in place for over two years, has made minimal progress due to a lack of dedicating resources and prioritizing the issue by NYSDOH; and

**WHEREAS**, this initial work is finding that up to 20% of claims submitted by counties for state share reimbursement remain outstanding after several years for a variety of NYEIS computer system technical problems; and

**WHEREAS**, some of these unreimbursed claims are nearly five years old; and

**WHEREAS**, counties estimate that tens of millions of dollars remain unreimbursed by the state as a result; and

**WHEREAS**, counties cannot afford to wait any longer for reimbursement from the state, while also trying to maintain the state imposed property tax cap.

**NOW, THEREFORE BE IT RESOLVED**, the New York State Association of Counties calls on the Department of Health and the Division of Budget to dedicate the resources to the repayment of these outstanding claims to all counties including New York City a top priority with payments issued in the first quarter of the 2016-17 State Fiscal Year; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Children with Special Needs  
Resolution #2**

**Resolution Urging the Department of Health and the Division of Budget to  
Require Providers to Maximize Reimbursement from All Third-Party  
Payers**

**WHEREAS**, prior to 2013, counties funded 100% of the cost of the state's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under state law; and

**WHEREAS**, the state implemented a State Fiscal Agent administrative model in April 2013 that centralized billing and contracting at the state level, rather than at the county level; and

**WHEREAS**, the State Fiscal Agent used their own administrative and reimbursement information technology system to collect funds from counties and make payments to providers due to limitations with the New York State Department of Health's Early Intervention System (NYEIS); and

**WHEREAS**, counties cannot afford to wait any longer for reimbursement from the state, while also trying to maintain the state imposed property tax cap; and

**WHEREAS**, recent problems have arisen under the State Fiscal Agent platform related to service providers filing for payment from insurance companies in the first instance as the law requires and a lack of follow through by providers when insurers ask for more information; and

**WHEREAS**, any extensive delay in providing such information to insurance companies can result in a denial by the insurance company due to untimely filing, these claims then fall to the state and counties to pay; and

**WHEREAS**, we commend the Governor's budget proposals for timely provider claims to enforce current insurance regulations regarding payment of Early Intervention service claims and attempt to increase commercial insurance collections.

**NOW, THEREFORE BE IT RESOLVED**, that New York State implement policies and procedures to ensure that provider claims are filed in a timely manner to commercial insurance providers and Medicaid; and

**BE IT FURTHER RESOLVED**, the State Fiscal Agent must implement systematic changes to the billing system to track claims and, as outlined in the state Early Intervention reform proposal, ensure providers exhaust all appeals in a timely manner before moving on to the next payer of record; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to the Governor, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Legislative Conference  
Standing Committee on Children with Special Needs  
Resolution #3**

**Resolution Urging the Governor and State Legislature to Gradually Eliminate the County Fiscal Responsibility for Preschool Special Education and Summer School Special Education Programs**

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

**WHEREAS**, the original law included a provision to limit the county fiscal responsibility to 25% by the 1993-94 school year; and

**WHEREAS**, a gubernatorial statewide task force on reforming preschool special education determined that counties should be removed completely from financing the state's preschool special education program; and

**WHEREAS**, we commend the Governor and New York State Legislature for the recent reimbursement reforms, including SEIS regional rates, in the preschool special education program; and

**WHEREAS**, the State has enacted legislation to provide universal prekindergarten for all four year old children in New York State to be financed 100% with state resources; and

**WHEREAS**, the State also requires counties to support 10% of summer school special education 4408 program costs for all children; and

**WHEREAS**, the fact that other states do not require county government to pay for these special education expenses and the failure of New York State to fully fund its promised share of preschool special education program costs contributes directly to New York's highest in the nation property tax burden; and

**WHEREAS**, over the last decade the failure of the state to fund these costs has shifted more than \$1.5 billion to county property taxpayers, exceeding \$250 million annually today, raising costs for homeowners and small business throughout New York.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs; and

**BE IT FURTHER RESOLVED**, the first phase should include capping county fiscal liability for preschool special education at no more than what each county paid in 2013 and then implementing a three-year plan to incrementally reduce the county fiscal

liability for this program to no more than 25% as intended at the inception of the program to help reduce pressure on property taxes; and

**BE IT FURTHER RESOLVED**, the second phase should gradually reduce the county fiscal responsibility to zero for both preschool and summer school special education costs; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Children with Special Needs  
Resolution #4**

**Resolution Calling For the Revamping of Outdated NYSED Pre-School  
Special Education Service Program Reimbursements and Waiver Review  
Process for Contracted Service Providers**

**WHEREAS**, the New York State Education Department (NYSED) has been entrusted with designing and overseeing the implementation of important pre-school special education programs, such as speech and occupational therapy, to be administered at the local level for children between 3 and 5 years of age; and

**WHEREAS**, county officials throughout the State of New York have both the responsibility and burden of insuring that local private and not-for-profit service providers efficiently manage such programs and, in so doing, adhere to the strict guidelines established by NYSED; and

**WHEREAS**, counties throughout the State of New York are mandated to initially fund 100% of the costs of such important services for special needs children in hopes that within a two to three year period counties will eventually be reimbursed by NYSED for 59.5% of the pre-school special education program closed out years before; and

**WHEREAS**, successful monitoring of these important pre-school education programs by counties requires input, support and sound direction from NYSED looking at all related aspects of these important programs in a timely, collaborative and transparent fashion to positively impact and/or respond to a myriad of issues that arise over the course of a program year; and

**WHEREAS**, on too many occasions NYSED has chosen not to examine all relevant facts in matters of importance and dispute at the local level with said services providers, especially in regards to its post-contract year waiver review process wherein NYSED has unilaterally altered contract terms with preschool service providers, thus forcing host counties to endure unplanned financial hardships with no defined appeals process for the county; and

**WHEREAS**, counties, for years, have been consistently calling for reforms to both the programming and funding of pre-school special education programs for special needs children ages 3-5 years throughout the State of New York; and

**WHEREAS**, the New York State Comptroller's office has uncovered significant misappropriation of public dollars by local pre-school special education providers across the state, highlighting the stressful conditions that continue to exist because of the lack of important reforms to the way these programs were designed long ago by the State.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties calls on the State Legislature to undertake a thorough review of how NYSED

and the State can improve transparency and accountability in the preschool special education program, including matters of retroactive rate-setting for providers, and supporting county efforts to improve accountability to local taxpayers; and

**BE IT FURTHER RESOLVED**, that NYSED and the State Comptroller work with counties to identify and recoup any funds owed as a result of audit findings; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, New York**

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

**Hon. Bill Farber (Hamilton County) – Chair  
Hon. Ryan Weitz (Montgomery County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Economic Development, Environment  
and Rural Affairs  
Resolution #1**

**Resolution Calling for Amendments to the New York State Electronic  
Equipment Recycling and Reuse Act and Urging the Department of  
Environmental Conservation to Expedite the Promulgation of Related  
Regulations**

**WHEREAS**, the New York State Electronic Equipment Recycling and Reuse Act (Act) was adopted by the State Legislature in 2010 in order to assist local governments with managing the fast-growing electronics waste stream by requiring electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

**WHEREAS**, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but the collection infrastructure is unstable and local governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

**WHEREAS**, while the Act intended to place the burden of electronics recycling on the manufacturers of electronic devices, the Act failed to stipulate adequate education requirements to inform the public of the process by which they could recycle their electronics with the manufacturers; and

**WHEREAS**, the Act created a ban on disposal of electronic waste in landfills, effective January 2015, which resulted in a growing number of waste stream planning units throughout New York's counties bearing more of the financial responsibility for continued e-scrap collection in their communities; and

**WHEREAS**, the Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

**WHEREAS**, once manufacturers have met their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting management costs to cash-strapped local governments; and

**WHEREAS**, while the NYS Department of Environmental Conservation (DEC) indicates there are no longer performance goals, some manufacturers continue to dodge their legal responsibility to accept electronic waste; and

**WHEREAS**, the Act empowers the DEC to promulgate regulations that could address many of the shortcomings in the law, and in October 2015 DEC officials indicated that such rules were being drafted by department officials; and

**WHEREAS**, the issue is exacerbated by the fact that electronics sold today weigh much less than the obsolete CRT devices that make up approximately 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage; and

**WHEREAS**, this has resulted in many local governments across the state having grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo, the New York State Assembly, the New York State Senate and the State Department of Environmental Conservation to improve the current law intended to create a more stable and comprehensive manufacturer implemented electronics recycling infrastructure; and

**BE IT FURTHER RESOLVED**, that NYSAC calls on state lawmakers to help alleviate the financial and administrative burden on municipalities who are dealing with these electronics and implement actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of changes to the Act that will provide for year round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations—that help alleviate the immediate financial pressures faced by local governments; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Economic Development, Environment and  
Rural Affairs  
Resolution #2**

**Resolution Supporting Efforts to Increase Access to Broadband throughout  
New York State through “The New NY Broadband Program” and Calling on  
Governor Cuomo and State Lawmakers to Continue Their Commitment to  
Prioritizing and Expanding Broadband Coverage In Unserved and  
Underserved Areas Statewide**

**WHEREAS**, individuals, businesses and other entities in New York that lack high speed Internet access have become largely disenfranchised as full and active participants in today’s economy, educational systems and government processes than their counterparts with access to broadband; and

**WHEREAS**, while access to both cable and digital subscriber line (DSL) service is available in nearly every urban and suburban community, rural sections of the State have been cut out of this type of access due to the low return on providers’ investments in less populated areas; and

**WHEREAS**, web access to all kinds of services, including those provided by every level of government, employment listings and web-based business expansion continues to grow, making it imperative that all New Yorkers have access to quality high-speed Internet; and

**WHEREAS**, with the enactment of legislation creating the “New NY Broadband Program” in the 2015 /16 state budget, funded at \$500 million, Broadband Program Office (BPO) officials have worked to develop a plan to incentivize the private sector to expand quality high-speed Internet services in unserved and underserved areas; and

**WHEREAS**, the BPO released a request for information (RFI) on September 24, 2015 to solicit input from stakeholders on how to craft the program, and subsequently issued a request for proposals (RFP) to formally allow applications for this funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) supports the “New NY Broadband Program” and calls on Governor Cuomo and leadership within the BPO to continue their commitment to prioritizing broadband services to unserved and underserved areas statewide; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Intergovernmental Affairs**

**Robert Hagemann (Jefferson County) – Chair  
Hon. Peter Loughran (Ulster County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Intergovernmental Affairs  
Resolution #1**

**Resolution Calling for an Increase in the Share of Revenue Counties Retain  
for Providing State DMV Services**

**WHEREAS**, 52 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

**WHEREAS**, this local DMV operation is one of many examples of shared services that counties provide for the state; and

**WHEREAS**, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's; and

**WHEREAS**, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period; and

**WHEREAS**, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

**WHEREAS**, increasing the county DMV revenue sharing rate will provide counties with needed revenue to continue to provide necessary local government services and reduce pressure on property taxes without increasing costs or fees to local residents; and

**WHEREAS**, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs, to fulfill these DMV services needed for state residents, yet the State takes 87.3% of the revenue generated from providing these services; and

**WHEREAS**, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property taxpayers by overwhelmingly passing Senator Patty Richie's bill S.4964, which would raise the 12.7% county share up to a 25% share; and

**WHEREAS**, counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in the state DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties calls on Governor Andrew M. Cuomo and members of the state Legislature to require a substantial increase of the county DMV revenue share with the State; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
NYSAC Standing Committee on Intergovernmental Affairs  
Resolution #2**

**Resolution Urging New York State Consolidate the Federal and State  
Primaries and Cover the Added Costs of Early Voting**

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

**WHEREAS**, New York must conduct its federal primary election on a date no later than 35 days prior to the 45-day advance deadline set by the Federal Military and Overseas Voter Empowerment (MOVE) Act for transmitting ballots to the State's military and overseas voters, or at least 80 days before the federal general election; and

**WHEREAS**, in 2016, New York State must hold a presidential primary in April and a federal primary election for congressional candidates for congressional races on or before August 18<sup>th</sup> to adhere to the MOVE Act; and

**WHEREAS**, the federal primary cannot be held on the current State and local primary date in September and remain in compliance with federal election law; and

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

**WHEREAS**, county boards of elections are responsible for managing election operations, and paying for all or most of the costs of these operations; and

**WHEREAS**, if the State Legislature fails to move the normal September primary elections to coincide with the federal primary, there will be 3 primary elections in New York in 2016, which will increase costs for county boards of elections; and

**WHEREAS**, the proposed 2016-17 State Budget requires counties to provide early voting sites for up to 12 days prior to all special, primary, and general elections; and

**WHEREAS**, the number of early voting polling sites be based on the number of registered voters in each county (no less than one polling site per county, and at least one polling station per 50,000 registered voters, not to exceed 7 sites per county); and

**WHEREAS**, at the polling places must be open at least 8 hours per weekday (with extended hours at least twice a week) and at least 5 hours per weekend or holiday during the early voting period; and

**WHEREAS**, the effective date for most of the early voting provisions is April 1, 2017; and

**WHEREAS**, the state estimates the cost of implementing early voting to cost counties between \$3-4 million statewide.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo, and the New York State Legislature to amend Election Law to permit the federal primary election and the New York primary election to be held on the same date; and

**BE IT FURTHER RESOLVED**, that if the Governor and the State Legislature do not wish for the federal congressional primary election and the New York State and local primary election to be held on the same day, that New York State absorb the costs of holding the New York primary election; and

**BE IT FURTHER IT RESOLVED**, that if the Governor and State Legislature agree to the early voting provisions proposed in the Executive Budget, then the state must reimburse counties for the added costs of this new mandate; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
NYSAC Standing Committee on Intergovernmental Affairs  
Resolution #3**

**Resolution Calling on the State to Increase Indigent Legal Defense System  
Funding**

**WHEREAS**, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

**WHEREAS**, in 1965 the State of New York delegated this state responsibility to counties; and

**WHEREAS**, the decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of costs for this state responsibility; and

**WHEREAS**, the shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover over 80% of the cost; and

**WHEREAS**, implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

**WHEREAS**, Assemblymember Patricia Fahy and Senator John DeFrancisco recently sponsored a same-as bill (A.6202B/S.6341) recognizing that indigent defense is a State fiscal responsibility and requiring the State, not the county, to pay for such service; and

**WHEREAS**, we commend Assemblymember Fahy and Senator DeFrancisco for championing a state fiscal takeover of indigent defense services, which will directly lead to improvements to this vital service for residents in need, and provide meaningful fiscal mandate relief for counties and real property taxpayers; and

**WHEREAS**, the State and multiple counties were sued, and ultimately settled, Hurrell-Harring, et. al v. State of New York, which sought to transform the indigent defense system and called for more government funding to be invested in the system; and

**WHEREAS**, the Hurrell-Harring settlement requires the parties involved in the suit to provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders; and

**WHEREAS**, the proposed 2015-16 Budget only allocates increased funding to the five counties involved in the Hurrell-Harring lawsuit for expanding indigent defense; and

**WHEREAS**, the remaining 52 counties need increased funding so that expanded indigent defense services are uniform throughout the State; and

**WHEREAS**, the Governor has stated recently that the entire New York State justice system needs to be examined to insure it provides the most equitable and fair treatment possible; and

**WHEREAS**, the state can improve the public defense system by incrementally increasing state funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) supports increased state funding to the indigent legal defense system and for the state to ensure counties will not be forced to pay for the additional requirements resulting from the Hurrell-Harring settlement; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Medicaid and  
Human Services**

**Kira Pospesel (Greene County) – Chair**  
**Hon. Richard Yolevich (Monroe County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Medicaid and Human Services  
Resolution #1**

**Resolution Urging New York State to Fully Fund All Costs Related to Raising the Age of Criminal Responsibility and Ensure that Any Statutory or Administrative Changes Fully Recognize the Responsibility of Locally Elected District Attorneys to Promote Public Safety, Maintain Victims' Rights and Ensure Accountability in the Justice System**

**WHEREAS**, the Governor is prioritizing fundamental reform of the juvenile justice system in New York State, including a statutory change to the age of criminal responsibility; and

**WHEREAS**, structural changes to raising the age of criminal responsibility will require a significant investment in services based on a children and families social services model; and

**WHEREAS**, these services will produce the need for job-training skills, high school equivalency education, transportation, drug and alcohol treatment, family and individual counseling, coordinated mental health services, case management, and other interventions resulting in higher expenses; and

**WHEREAS**, many regions of the state currently do not have adequate capacity to provide such services in their local communities; and

**WHEREAS**, the state currently caps funding for foster care and youth detention, and also limits reimbursement for other child welfare and probation costs, resulting in a significant unfunded mandate on counties which will grow worse if the state changes the age of criminal responsibility while not also providing full funding to alleviate these new costs; and

**WHEREAS**, locally elected district attorneys are responsible for protecting the public safety, maintaining victim's rights and ensuring accountability for all in the criminal justice system; and

**WHEREAS**, the District Attorney's Association of the State of New York has provided recommendations to state legislative leaders on their proposals to reform the juvenile justice system including; 1) providing local prosecutorial consent for the removal of all violent felonies and some non-violent felonies from criminal court to family court, 2) not allowing adjustment for violent and serious non-violent felonies, 3) any new presumption for granting youthful offender status should be limited to certain classes of non-violent felony offenses, 4) reduced sentencing should not be offered for certain violent crimes and 5) ensuring that some level of secure detention options be maintained for certain cases; and

**WHEREAS**, these recommendations are intended to preserve the delicate balance between offender rehabilitation and accountability, and public safety.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls on the State of New York to fully cover all new costs associated with changing the age of criminal responsibility to avoid the imposition of a new unfunded mandate on counties; and

**BE IT FURTHER RESOLVED**, fiscal caps must be removed for foster care and youth detention as part of this age of criminal responsibility reform, and state funding must be provided to build capacity for infrastructure and services under child welfare and probation services, and to identify mental health and drug and alcohol issues and strategies to minimize absences without leave from the education system; and

**BE IT FURTHER RESOLVED**, the state must also reverse state budget reimbursement rate cuts it made to counties for local child welfare services, restoring the state reimbursement rate to 65% from the current 62% level to ensure counties have more resources to provide critical services to children and families in need of services; and

**BE IT FURTHER RESOLVED**, that recommendations from local District Attorneys should be provided due consideration and inclusion if the reform proposal moves forward; and

**BE IT FURTHER RESOLVED**, there will need to be flexibility in recognition of the differences between small and large counties and rural versus urban areas, such that, a staggered roll-out may be appropriate in some counties depending on local conditions and service capacity; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact a similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Medicaid and Human Services  
Resolution #2**

**Resolution Urging the Governor and Legislature to Gradually Restore the  
50/50 State/County Cost Sharing for the Safety Net Program and to  
Increase Shelter Grant Reimbursements to Counties**

**WHEREAS**, the 2011-12 State Budget dramatically lowered the state's fiscal responsibility in the Safety Net Program by shifting the cost to 71% county / 29% state, severing the historic 50% state / 50% county partnership; and

**WHEREAS**, this continues a long line of state legislative actions that has transferred the state's constitutional and fiscal responsibility to care for the needy to county taxpayers, while providing counties virtually no control over eligibility for services and benefit levels; and

**WHEREAS**, the Safety Net funding shift also builds upon recent trends where the state has leveraged significant savings from maximizing available federal resources largely for state financial plan purposes only, at the expense of local property taxpayers; and

**WHEREAS**, the net effect of this state practice forces local property taxes to be higher than they should because available savings are being spent by the state rather than used to lower the cost of state mandates which can provide direct relief to local property taxpayers; and

**WHEREAS**, nearly half of the states do not have Safety Net programs and New York is one of only 11 states that provide benefits to childless adults that do not have some disability; and

**WHEREAS**, most other states do not require counties to fund such a large share of public assistance costs; and

**WHEREAS**, counties in New York are required to finance the vast majority of Safety Net costs, putting in twice as much funding as the State; and

**WHEREAS**, for the first half of 2015, state data indicates that county Safety Net costs have increased by nearly 9% over the prior year; and

**WHEREAS**, counties believe that the rising cost of providing shelter assistance to recipients is a major contributor to this increase; and

**WHEREAS**, the reduction of state funding support for Safety Net Assistance is part of a larger trend where the state has reduced its fiscal commitment for nearly every public assistance program including child welfare, adoption subsidies, food stamp administration, Safety Net, Child Support Enforcement, juvenile justice and programs designed to help recently released state incarcerated offenders return to the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls on the State to gradually restore the historic 50/50 state/county cost sharing for the Safety Net program over a five year period, starting with an increase in county reimbursement for shelter assistance, which has not been raised in over a decade, in order to help lower the local property tax burden for homeowners and small businesses; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Medicaid and Human Services  
Resolution #3**

**Resolution Urging the State to Provide Technical and Financial Assistance to Counties to Hold Localities Harmless from New Costs Associated with Federal Child Care Law Changes to Ensure Local Child Care Slots are Not Lost Due to Increased Costs of Meeting the New Federal Mandates**

**WHEREAS**, the federal government is implementing new child care safety and quality standards that are intended to improve child care services nationwide; and

**WHEREAS**, the new federal standards will require all child care providers to be checked against a variety of databases including FBI fingerprinting, National Crime Information Center, National Sex Offender Registry, state criminal and sex offender registry, and child abuse and neglect registry in each state an applicant has resided over the past five years; and

**WHEREAS**, the state estimates there are over 220,000 regulated and legally-exempt providers as well as household members over the age of 18 that would be required to have a background check at a cost of nearly \$102 per person; and

**WHEREAS**, these federal standards will require annual, unannounced full inspections of all facilities, including legally-exempt providers, which will require New York to conduct 25,000 additional inspections each year; and

**WHEREAS**, new federal rules will require a mandatory pre-service/orientation and ongoing health and safety training for all child care staff in a variety of topical areas including first aid/CPR; and

**WHEREAS**, in New York the cost of First Aid/CPR classroom training is estimated at \$125 per person and would apply to as many as 220,000 individuals; and

**WHEREAS**, the state has estimated that meeting these new standards could increase costs for the state, counties and child care providers by up to \$90 million; and

**WHEREAS**, while the federal regulation focuses on child development, it is essential that we recognize that child care is critical as a work support, and that the added costs of implementation will reduce subsidies to low income families who need child care in order to go to work; and

**WHEREAS**, due to significantly constrained property tax cap limits, counties do not have the ability to absorb new costs of this magnitude while also meeting new federal subsidy requirements including 12-month eligibility redetermination and the graduated phase-out of families leaving the subsidy program; and

**WHEREAS**, without additional federal or state funding support to cover these increased costs counties may be forced to close intake (including closing active cases) or lower income thresholds, which will reduce the number of low income working families receiving subsidized child care services.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties calls on the Governor and State Legislature to hold counties harmless from a fiscal perspective to ensure that existing child care slots and subsidies provided by counties are not jeopardized over the coming years as these new federal standards are implemented; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Medicaid and Human Services  
Resolution #4**

**Resolution Urging the Governor and Legislature to Eliminate  
Administrative Funding Caps on State Reimbursements to Local Social  
Service Districts for Safety and Security Improvements**

**WHEREAS**, state financial support for local social service district administrative costs was essentially eliminated several years ago to help balance state budget shortfalls; and

**WHEREAS**, with the exception of local costs for administration of the State Medicaid program, local social service district administrative responsibilities for a variety of state and federal programs continue to increase each year with no commensurate financial support; and

**WHEREAS**, in 2015 alone, more than 50 new Administrative Directives (ADMs) or guidance letters from OCFS, OTDA and DOH were sent to counties for implementation; and

**WHEREAS**, county social service districts are struggling with implementing these new directives without any new fiscal support from the state or federal government; and

**WHEREAS**, counties are dealing with the tightest property tax cap since the program was implemented; and

**WHEREAS**, recent security breaches, including violence committed against county employees at local social service districts, both nationally and locally highlight the increased need for enhanced safety and security investments at local social service district offices; and

**WHEREAS**, current state administrative reimbursement caps to local social service districts makes such safety and security investments highly challenging; and

**WHEREAS**, while the safety of all public employees is a priority, the need in certain county offices is more critical.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties urges the Governor and State Legislature to exempt certain local investments that enhance the safety and security of local social services district employees and clients from state administrative reimbursement caps; and

**BE IT FURTHER RESOLVED**, that upon an act of violence perpetrated upon a local social services district employee in New York (or when an incident of national attention occurs against similar public employees), for safety and security reasons the state should acknowledge the act and notify all local district social services of the activity; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Public Employee  
Relations**

**Mary Krause (Ontario County) – Chair  
Brayton Connard (Monroe County) – Vice Chair**

**2016 NYSAC Legislative Conference  
NYSAC Standing Committee on Public Employee Relations  
Resolution #1**

**Resolution Calling for the Full Repeal of the New York State Scaffold Law or Reform to Include a Pure Standard of Comparative Negligence**

**WHEREAS**, New York Labor Law §240 and §241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height; and

**WHEREAS**, the laws impose strict liability on employers and owners of buildings if a worker falls from any height; and

**WHEREAS**, the law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

**WHEREAS**, the New York State Legislature did not implement any positive reform to the New York Scaffold Law in 2015; and

**WHEREAS**, the Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

**WHEREAS**, the Scaffold Law is a boon to personal injury lawyers as half of the 30 largest law suits in the state stem from Scaffold Law issues, and while scaffold related injuries have decreased in the past 20 years the number of Scaffold Law claims has increased 500%; and

**WHEREAS**, New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer; further it is one of a very few laws that mandate strict liability in the State of New York; and

**WHEREAS**, the increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in neighboring states; and

**WHEREAS**, not only does the law drive away out-of-state investment in infrastructure but the lost investment to other states also serves to decrease the number of new construction jobs created every year, making it more difficult for many of New York’s skilled laborers to find appropriate employment; and

**WHEREAS**, this negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker’s actions contributed to his or her injury; and

**WHEREAS**, federal regulations have been enacted that attempt to protect workers from injury due to falls by requiring certain precautions to be in place for people working at a height above the ground and allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that New York State of Association of Counties (NYSAC) is in support of Scaffold Law reform as well as meaningful protection of construction workers; and

**BE IT FURTHER RESOLVED**, that NYSAC supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Public Health and  
Mental Health**

**Joseph Todora (Sullivan County) – Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Public Health and Mental Health  
Resolution #1**

**Resolution Supporting an End to Executive Administrative Cuts, an Increase in the Base Grant, Per Capita Rate, and State Aid Formula that Constitute Article 6 State Aid Reimbursement for Mandated General Public Health Work Undertaken by Local Health Departments as Population Health Partners of New York State**

**WHEREAS**, the prevention and population health activities of local health departments in NYC and 57 other counties in New York State are essential to the overall health of the state's residents and communities, and crucial to the success of the state's Medicaid Redesign Team efforts; and

**WHEREAS**, unhealthy community environments lead to incidents such as the recent outbreak of Legionnaire's Disease in the Bronx that resulted in the deaths of 12 individuals whose general health was compromised by underlying medical conditions that are aggravated by poor air quality and other characteristics of an unhealthy environment; and

**WHEREAS**, New Yorkers can be, and have been, exposed to deadly communicable diseases such as Ebola that may arrive from other nations via global travelers at any time; and

**WHEREAS**, stable and timely funding to support core public health services delivered by local health departments under Article 6 of the Public Health Law is necessary for the protection of all communities within New York State; and

**WHEREAS**, Article 6 of the Public Health Law currently provides a base grant of either a set amount or a per capita rate of local health department (LHD) expenditures on core public health services, and then State reimbursement for 36% of LHD costs beyond the base grant; and

**WHEREAS**, the state has reduced its annual appropriations for Article 6 Public Health spending by 40% over the last several years; and

**WHEREAS**, New York State does not allow local government to recover any of its necessary expenditures on fringe benefits for local health department personnel who provide core public health services mandated under Article 6; and

**WHEREAS**, in state fiscal year 2011-12, the State eliminated the allowance of state aid for so-called "optional services" by local health departments, such as early intervention (mandated services), medical examiners, dental health services, some environmental health activities, certified home health agencies, and more; and

**WHEREAS**, administrative actions by the New York State Department of Health (NYSDOH) such as the reduction since 2012, and eventual elimination, of revenue offset; the refusal to cover costs associated with the contribution that other local governmental offices make to the work of their local health department Maintenance in Lieu of Rent (i.e. “MILOR”); and a recent refusal to cover technical assistance in rural counties for well water and septic tank problems that can compromise the sanitation and health of communities throughout rural areas of the state; and

**WHEREAS**, the reduction and eventual elimination of the revenue offset and other administrative actions leads to a reduction in the generation of fee and penalty revenue that, in turn increases the need for local budget cuts, including staff reductions that compromise the capacity of local governments to ensure the provision of the core services necessary to protect the public’s health; and

**WHEREAS**, NYSDOH has frequently applied changing and inconsistent standards in what it allows as state aid claims without advance notice, from quarter to quarter, region to region, or county to county; and

**WHEREAS**, inflation-adjusted payments by New York State for Article 6 state aid to local health departments have declined since 2011, and as a result, local expenditures for public health services and subsequent claims for such state aid have declined dramatically, with New York City claims alone dropping by \$85 million and state aid payments to New York City declining by \$120 million; and

**WHEREAS**, executive administrative reductions to Article 6 State Aid reimbursement have a negative impact on the ability of local health departments to protect the public including:

- enforcing regulations intended to reduce the incidence and risk of Legionnaire’s Disease;
- eliminating the HIV/AIDS epidemic;
- preventing and controlling the spread of communicable diseases;
- responding to the current heroin and opioid epidemic;
- ensuring the safety of the food we eat, the water we drink and the air we breathe;
- ensuring the safety of New Yorkers in camps, beaches and other recreational venues;
- preventing major causes of death and chronic disease such as heart disease, diabetes, asthma and cancer;
- monitoring and control of insect-borne diseases such as Lyme Disease, West Nile Virus, EEE;
- monitoring the public health impact of an influx of unaccompanied minors into the United States and specifically New York State;
- monitoring and responding to international health threats and emergencies, among other public health needs; and

**WHEREAS**, local health departments deserve respect for their dedication to public health and their expertise in population health; and

**WHEREAS**, local health departments require adequate state funding as key partners of the New York State Department of Health in population health efforts to achieve statewide goals set in the New York State Prevention Agenda; and

**WHEREAS**, the current limits on base grants and state aid combined with increasing administrative cuts and disallowances are creating a cascading negative financial impact on local health departments and eroding their local public health infrastructure; and

**WHEREAS**, New York State has imposed a cap on property taxes that further restricts the ability of local government to fund core public health services.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls on the Governor to compensate, within the 2016-17 Executive Budget and subsequent budget years, for significant state funding cuts to local health departments since 2010 by taking the following steps in the Article 6 State Aid for General Public Health Work base grants and reimbursement rates:

1. Instruct the Division of Budget and NYSDOH to end administrative actions that will result in further erosion of state aid to local health departments;
2. Increase the base grant with 100% reimbursement of local expenditures on core public health services for partial service counties from \$500,000 to \$550,000; for full service counties from \$650,000 to 750,000; and the per capita rate of the base grant from 65 cents per capita to \$1.30 per capita;
3. Increase the State Aid reimbursement rate for local health department expenditures beyond the base grant from 36% to 38%;
4. Reimbursement for new state mandated activities required of Local Health Departments at 100%; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Public Health and Mental Health  
Resolution #2**

**Resolution Supporting Rabies Prevention Across the State and Providing  
Appropriate Funding Necessary to Achieve This Goal**

**WHEREAS**, rabies is a deadly disease caused by a virus that attacks the central nervous system, and is almost always fatal once symptoms appear; and

**WHEREAS**, rabies is most often seen among wild animals such as raccoons, bats, skunks, and foxes; and infected mammals can transmit the rabies virus to humans and other mammals including cattle, cats and dogs; and

**WHEREAS**, the first signs of a rabies infection is usually change in an animal's behavior, an animal may become aggressive or tame, it may lose its fear of humans, or froth at the mouth; and

**WHEREAS**, without vaccination dairy farms are at great risk when sending their cattle out to pasture where they could come in contact with rabid animals; and

**WHEREAS**, rabies vaccination shots are expensive and can cost farms thousands of dollars annually; and

**WHEREAS**, losing a single animal can be a significant financial burden for a farmer; and

**WHEREAS**, luckily, humans are typically only exposed to rabies when an infected animal bites them, or when saliva from an infected animal enters an open cut or mucous membrane such as one's eyes, nose or mouth, but those who work on farms are at a greater risk of contracting rabies if working with unvaccinated livestock.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls on the Governor to increase funding available to counties for rabies awareness and vaccination in the 2016-17 state budget; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Public Health and Mental Health  
Resolution # 3**

**Resolution Calling on the NYS Office of People With Developmental Disabilities and the Governor of the State of New York to Implement a Process of Transparency, Information-Sharing and Collaboration with the Local Governmental Units (LGUs) to Ensure the Adequacy of Community-based Programs and Services for People with Developmental Disabilities Who are Being Transitioned from Institutional Settings into the Community**

**WHEREAS**, under *Olmstead v. L.C.*, the United States Supreme Court held that unjustified segregation of people with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act, and public entities must provide services in the most integrated setting appropriate to a person's needs; and

**WHEREAS**, in order to comply with the *Olmstead* Decision, the Office of People with Developmental Disabilities (OPWDD) is implementing a comprehensive Transformation Agenda to enable self-direction and move people to the most integrated settings, including transitioning people with developmental disabilities to the community from state-operated Developmental Centers; and

**WHEREAS**, the implementation of OPWDD's Transformation Agenda represents a major shift in the structure of the service delivery system for OPWDD from institutional care in Developmental Centers to community-based care for people with developmental disabilities with complex needs; and

**WHEREAS**, to implement this major shift to community-based care, new services need to be developed and funded in the community to successfully and safely transition people with developmental disabilities from institutional to community settings; and

**WHEREAS**, Article 41 of the Mental Hygiene Law charges the Local Governmental Unit (LGU) with the responsibility for the planning, development, implementation and oversight of the system of services for individuals with mental illness, substance use disorders and developmental disabilities who are living in the community; and

**WHEREAS**, in order to identify and meet the service needs of people with developmental disabilities (as well as with mental illness and substance use disorders) the Local Governmental Unit is required to conduct a comprehensive local services planning process which is reliant on both data and the input of local consumers, family members, advocates, service providers and state agency representatives; and

**WHEREAS**, OPWDD is not sharing information and working collaboratively with the LGUs to ensure that adequate community-based programs and services are available to meet the needs of people with developmental disabilities before they are transitioned into the community from institutional settings; and

**WHEREAS**, when the Office of Mental Health (OMH) began downsizing the state psychiatric centers, OMH used a transparent, data-informed process, involved the LGUs and community stakeholders in the planning and development of needed services, and invested funding for those services prior to transitioning individuals into the community from state facilities; and

**WHEREAS**, OPWDD should adopt a model of collaboration with the LGUs, families and other stakeholders to facilitate a transparent process to ensure services are available in the community to successfully transition individuals with developmental disabilities; and

**WHEREAS**, LGUs are ready to partner with OPWDD and community organizations to deliver needed services to people with developmental disabilities who are transitioning from institutional to community settings.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties calls on the Governor and the Office of People With Developmental Disabilities to develop a transparent process, share detailed information and collaborate with the Local Governmental Units to ensure that adequate services are funded and available for individuals with developmental disabilities who are transitioning from an institutional setting into the community; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**; that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the Office of People With Developmental Disabilities and all others deemed necessary and proper.



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Public Safety**

**Hon. Ron Spike (Yates County) – Chair**

**Hon. Matthew Veitch (Saratoga County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Public Safety  
Resolution #1**

**Resolution Calling on Governor Andrew M. Cuomo and the State  
Legislature to Plan for Next Generation 911 in New York State and Create a  
New York State 911 Department that Supports County Public Safety  
Answering Points and Enhances Local Emergency Dispatch Services**

**WHEREAS**, counties provide 911 services in New York State by operating Public Safety Answering Points (PSAPs) that serve all residents in times of emergency by dispatching emergency medical, fire, and police assistance; and

**WHEREAS**, counties continue to incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes; and

**WHEREAS**, these changes are a fundamental shift toward an IP based 911 system that is commonly referred to as Next Generation (NG) 911; and

**WHEREAS**, NG 911 requires greater planning and investment on the part of local governments in order to keep pace with rapidly evolving consumer technologies; and

**WHEREAS**, the majority of states across the country have aggressively begun preparing for NG 911 and in numerous instances deploying significant infrastructure and policies to build the foundation for a NG 911 system; and

**WHEREAS**, New York State has done comparatively little to prepare for NG 911 and is facing significant risk in becoming a straggler in the deployment of NG 911 technologies; and

**WHEREAS**, a lag in planning and investment in NG 911 places New York's citizens at risk as they rely on a legacy 911 system that is rapidly becoming obsolete; and

**WHEREAS**, the NYS Public Service Commission (PSC) conducted a telecommunications study on 911 that required the insight of public safety and 911 experts to relay relevant public safety information to the PSC as they make 911 related telecommunications decisions; and

**WHEREAS**, the NYS Public Service Commission (PSC) intends to work collaboratively with the Department of Homeland Security and Emergency Services (DHSES), the 911 Advisory Board and the Public Safety Broadband Working Group to further advance the implementation of NG 911 in New York State, while maintaining their oversight of 911 system affordability and reliability as it pertains to providers of 911 services; and

**WHEREAS**, a New York State effort to provide coordinated leadership in the area of 911 would be most appropriately empowered to both support the mission of the PSAPs

in the state as well as transition the current state's 911 legacy system to a NG 911 system that will better serve its citizens for years to come; and

**WHEREAS**, leadership from New York State is crucial to ensure success and to prevent future tragedies related to the 911 network in NYS; and

**WHEREAS**, counties urge New York State to adopt the Automated Secure Alarm Protocol (ASAP) which automates all alarms coming from alarm companies and allows for an electronic link between the Central States Alarm Association, the NLETS system and the PSAP's via the NYS e-justice system.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo, the State Legislature and the Division of Homeland Security and Emergency Services to create a New York State 9-1-1 Department that best serves the public interest and supports PSAPs in New York State while continuing to allow the City of New York and the 57 counties outside of NYC to receive emergency 9-1-1 calls and dispatch emergency services in a manner that is most appropriately determined by those municipalities; and

**BE IT FURTHER RESOLVED**, that NYSAC calls upon the State Legislature and the Governor to enable a State 9-1-1 Department that would:

- Provide funding;
- Issue RFPs and award contracts as necessary to support 9-1-1;
- Establish standards for 9-1-1;
- Apply for and distribute Federal Grant Funds;
- Coordinate and provide training for 9-1-1 directors, supervisors and call takers;
- Provide Public Education;
- Provide necessary networks to support 9-1-1 both in a legacy and NG 9-1-1 environment;
- Provide a Statewide ESInet to support interoperability within and outside of New York State;
- Create, maintain and distribute GIS databases;
- Create and maintain NG 9-1-1 and other appropriate databases to support 9-1-1 efforts;
- Provide and propose appropriate regulation / legislation / tariffs to support 9-1-1;
- Represent New York State in efforts to support and advance 9-1-1 at a national level including participating in events sponsored by NASNA, NENA, APCO and the FCC;
- Provide consultative services to PSAPs in NYS in regards to industry trends, products, techniques, and standards;
- Help manage Civil Service exams;
- Manage the TERT program;

- Provide legal expertise in 9-1-1 related matters;
- Serve as the liaison to 9-1-1 service providers (TELCOs, Wireless Carriers, TCCs, VoIP providers, CPE manufacturers, etc.);
- Provide coordination with the Public Service Commission and work closely with them on tariffs, legislation and other business as it pertains to the 911 field.
- Provide for connectivity via the e-justice system to allow for the Automated Secure Alarm Protocol (ASAP).

**BE IT FURTHER RESOLVED**, that NYSAC supports the extension of 911 surcharges to any device capable of connecting to 911, including prepaid devices as essential to preserving current resources for 911 services; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State, encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Public Safety  
Resolution #2**

**Resolution in Support of Efforts to Improve Probation and Alternatives to Incarceration in New York State In Order to Protect the Public and Reduce Reliance on Prisons and Jails**

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

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

**WHEREAS**, state funding for Probation was drastically reduced between 1990 and 2015 from a 46.5% State share in 1990 to less than 12% in 2015, putting a huge strain on counties and cost to county property taxpayers; and

**WHEREAS**, at the same time there have been increases in the number of mandated programs and services County Probation Departments are required to provide; and

**WHEREAS**, the New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

- Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated.
- In response to Violation of Probation Petitions:
  - Require counties to develop swift, certain graduated responses
  - Require the courts to dispose of the VOP's within 90 days
- Enable Probation to administratively modify Conditions of Probation in the provision of graduated responses.
- Establish a dedicated funding stream for juvenile services provided directly to Probation through DCJS/OPCA.

- Eliminate the requirement for dual supervision of Ignition Interlock parolees by delegating direct supervision to NYS Parole only of defendants sentenced to DOCS.

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this Resolution to Governor Andrew M. Cuomo, Deputy Secretary for Public Safety Terrance O’Leary, the New York State Legislature and all others deemed necessary and proper.



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Taxation and Finance**

**Charles Nesbitt, Jr. (Orleans County) – Chair  
Hon. Arthur Johnson (Saratoga County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Taxation and Finance  
Resolution #1**

**Resolution Urging State Legislative Leaders to Implement Fiscal Reforms  
that will Lead to Permanent and Historic Property Tax Reductions by  
Assuming the Cost of State Programs that Counties Are Currently Required  
to Pay for Under State Law**

**WHEREAS**, State Legislative leaders have identified property taxes as the number one fiscal burden for homeowners and small businesses, as well as the largest impediment to economic growth and job creation in Upstate New York and Long Island; and

**WHEREAS**, the Governor and State Legislature have enacted several laws over the last couple of decades designed to address New York's highest in the nation property taxes, including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze program, and a new temporary tax rebate program; and

**WHEREAS**, over the next several years the State will have implemented state tax rebate check programs and tax breaks for select special interest groups and industrial sectors, not including STAR, that will exceed \$3 billion on an annual basis – none of which will actually reduce any homeowner's or small businesses' property tax bills; and

**WHEREAS**, county elected leaders have strongly advocated in support of ways to lower the property tax burden for homeowners and businesses across the state going back nearly 50 years when the largest state mandate, Medicaid, was first imposed on counties, growing from \$100 million then to over \$7.5 billion today; and

**WHEREAS**, since that time the state has required county taxpayers to finance with local tax dollars dozens of other state programs that, for the most part, counties in other states are not required to finance; and

**WHEREAS**, state elected officials do recognize that mandating local governments to finance state designed and controlled programs does lead to higher property taxes and, as result, they have enacted important mandate relief for county property taxpayers, including the implementation of two separate caps on the growth in the local share of Medicaid costs and major pension reforms; and

**WHEREAS**, since the enactment of these mandate relief initiatives the growth rate in aggregate county property taxes has slowed dramatically, generally averaging under 2.2% per year over the last decade, less than the rate of inflation over that time frame; and

**WHEREAS**, in 2015, the culmination of these recent mandate relief efforts and county government efficiencies allowed 28% of counties to cut or hold their property tax levy flat; in addition, 47% of counties cut or held their property tax rate flat, compared to the prior year; and

**WHEREAS**, county officials believe that one of the best ways to improve New York's economic climate and competitiveness is to not just slow the rate of growth in property taxes, but to actually lower them from today's levels; and

**WHEREAS**, permanent and historic reductions in property taxes can only be achieved through fundamental reforms of the major state mandates that drive up local property taxes, in conjunction with realigning how and what level of government pays for these state mandated services; and

**WHEREAS**, recognizing the need for property tax relief is in line with the Governor's and Legislative Leader's call for governments to be fiscally accountable to taxpayers; and

**WHEREAS**, counties believe that aligning the cost of the state's human services programs with the governmental entity that defines and controls them will result in a historic and sustainable reduction in county property taxes and a more appropriate and equitable distribution of the cost of the state's human services programs; and

**WHEREAS**, the cost of paying for the state Medicaid program in a typical county (outside of New York City) equals about one half of the county property tax levy; and

**WHEREAS**, the benefits, scope and ultimate cost of Medicaid has been set and controlled by the state for nearly 50 years, but not fully financed with state resources, therefore transferring a significant cost burden to local property taxpayers and contributing greatly to the disparity between property taxes in New York State and other states; and

**WHEREAS**, Cornell University researchers have documented in numerous reports how New York's practice of shifting fiscal responsibilities from the state to lower levels of government including counties creates severe imbalances between New York and other states in relation to property taxes; and

**WHEREAS**, the Pew Charitable Trust also documented in a report last year that New York State relies on locally raised taxes to support state initiatives and programs on a scale that dwarfs other states – relying on locally raised taxes to subsidize the state budget; and

**WHEREAS**, the practice of using local revenues to subsidize the state budget and state responsibilities is the number one reason why New York's property taxes are the highest in the nation; and

**WHEREAS**, the state also extends this requirement on New York City taxpayers that also dedicate a large amount of locally raised taxes to support the State Medicaid program.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties calls on the Governor and State Legislature to enact a phased-in state takeover of the costs of its own mandated human services, starting with Medicaid, that would

provide immediate, permanent and measurable property tax reduction helping to narrow the negative tax gap with our competitor states; and

**BE IT FURTHER RESOLVED**, the state should also provide fiscal relief to New York City for a portion of the local taxes they commit to state mandated programs; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Taxation and Finance  
Resolution #2**

**Resolution Calling on State Legislative Leaders to Reform the Home Rule Revenue Process by Enacting a 4-Year Authorization Period for All Local Sales Tax Extenders**

**WHEREAS**, counties continue to face significant challenges in balancing their budgets while also meeting the goals of the property tax cap and property tax freeze; and

**WHEREAS**, counties must administer and pay for more than 40 state programs that can consume up to 85% of a county's entire budget; and

**WHEREAS**, counties' ability to raise revenues from the property tax are limited by the state imposed property tax cap – which resulted in an inflation growth factor of only .73% in 2016 (three times smaller than the state's self-imposed 2% spending cap); and

**WHEREAS**, locally raised revenues are necessary to implement and deliver state mandated programs as well as local public health and safety, economic development and “quality of life” services demanded and expected in our communities; and

**WHEREAS**, counties often share the local sales tax with other local governments, where more than one out of every four local sales tax dollars collected are shared with cities, towns, villages and some local school districts to help pay for services delivered by these municipalities, or to directly lower the amount of property taxes levied in these jurisdictions; and

**WHEREAS**, the pass through of local sales tax revenue from counties to cities, towns, villages and school districts will approach \$2 billion in 2015.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminate unnecessary and duplicative legislative activity at the state and local level that is currently required under state law, and allow county elected officials, in conjunction with residents in their respective communities, to determine the mix of locally raised revenues they deem least burdensome; and

**BE IT FURTHER RESOLVED**, the State should, upon the next renewal of local sales tax rates, provide a four year (rather than a two year) authorization for all counties; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State, encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Taxation and Finance  
Resolution #3**

**Resolution Urging the State to Resolve Recent FAA Clarifications Regarding  
the Disposition of Aviation Fuel Sales Tax Receipts in a Way that Preserves  
Current Local Sales Tax Receipts and Authority**

**WHEREAS**, in November 2014, the Federal Aviation Administration (FAA) issued a rule clarifying their policy on existing federal law restricting revenues raised by the State and local taxation of aviation fuel from being diverted to non-aviation uses; and

**WHEREAS**, the update was intended to make clear that “airport operators that have accepted federal assistance generally may use airport revenues only for airport-related proposes...” and that local taxes on aviation fuel are subject to airport revenue use requirements; and

**WHEREAS**, the FAA set a December 8, 2015 date for states to submit a plan for meeting the new requirements and New York State officials have requested an extension to April 1, 2016; and

**WHEREAS**, it is expected that meeting the new requirements may impose significant administrative burdens on tracking and accounting for all sales taxes collected on noncommercial aviation fuel and their subsequent reinvestment in aviation uses only; and

**WHEREAS**, with the state imposed property tax cap limiting local revenue capacity, given up any portion of local sales tax is not an option.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the New York State Association of Counties calls on the State to continue working with the FAA and counties to come up with a solution to preserve these local sales tax receipts and local sales tax authority in a way that meets the intent of federal law in the least burdensome way for counties; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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



**NYSAC**

NEW YORK STATE  
ASSOCIATION OF COUNTIES

**2016 NYSAC Legislative Conference  
Albany County, NY**

**Standing Committee on Transportation and  
Public Works**

**Hon. Jean Raymond (Saratoga County) – Chair  
Hon. Shawn Doyle (Oswego County) – Vice Chair**

**2016 NYSAC Legislative Conference  
Standing Committee on Transportation and Public Works  
Resolution #1**

**Resolution Calling on the State of New York to Restore Funding Parity  
Between the Capital Plans of the Metropolitan Transportation Authority  
(MTA) and the NY State Department of Transportation (NYSDOT)**

**WHEREAS**, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the Metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-19 five-year capital program; and

**WHEREAS**, as part of this agreement, the Governor is committing \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

**WHEREAS**, while we may agree that this vital investment in downstate transit is needed, the state's new Department of Transportation 5-Year Capital Plan being developed must assess current conditions and provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

**WHEREAS**, the enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should now facilitate the state to develop and fund a Transportation 5-Year Capital Plan; and

**WHEREAS**, for nearly two decades, through 2009, a parity agreement for the five-year capital programs of the MTA and the NYS Department of Transportation (DOT) were similar in size as well as adopted within a month of each other; and

**WHEREAS**, three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

**WHEREAS**, since 2009 that parity agreement has not been honored; and

**WHEREAS**, locally-owned roads and bridges are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

**WHEREAS**, a 2014 Comptroller's report states that thirty-four percent (34%) of bridges are deficient and forty-eight percent (48%) of road pavements in the state are rated fair or poor and getting worse.

**WHEREAS**, The proposed 2016-17 State Budget calls for \$22 billion for a multi-year transportation capital plan to upgrade roads, bridges and other vital transportation infrastructure throughout the New York.

WHEREAS, the full funding mechanisms for this capital plan has not been included in the 2016-17 State budget or the five year State Fiscal Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties (NYSAC) does hereby call upon the Governor and the Legislature to support a level of funding that restores parity between the NYSDOT transportation capital program and the MTA's capital program, so that local governments have enough resources to fund the local needs as described above; and

**BE IT FURTHER RESOLVED**, that the state work with counties to develop and fully-fund the 5 Year Capital Plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5 year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their vast transportation infrastructure; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Transportation and Public Works  
Resolution #2**

**Resolution Urging Enhanced State Investment in Airports to Promote  
Economic Development and Job Creation**

**WHEREAS**, airports play a critical role in New York State's economy, job growth and transportation infrastructure, providing commercial air service, business aviation functions and supporting homeland security and critical emergency response for all of New York's local and regional communities and for the nation; and

**WHEREAS**, the state has not yet developed a new 5-Year Transportation Capital Plan designed to assess current conditions and determine what level of investment will be needed over this period to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system, and

**WHEREAS**, a New York State Department of Transportation (DOT) study quantifying New York airports' and the aviation industry's contribution to the state's economy found that \$50 billion in annual economic activity for New York State; and

**WHEREAS**, this DOT study justifies calls for increases in public investments in airports; and

**WHEREAS**, New York has no dedicated funding source or permanent state capital program for airports; and

**WHEREAS**, New York State airports rely on annual appropriations in the state budget for funding critical airport projects—a total of \$10 million each of the last two years through the Aviation Capital Grant Program and for the state match of Federal Airport Improvement Program (AIP) grants; and

**WHEREAS**, the Executive 2016-17 State Budget proposes to award five airports approximately \$40 million each to fund projects that enhance safety, improve operations and access, reduce environmental impact, and create better passenger experiences; and

**WHEREAS**, while this funding is welcomed and much needed for airport infrastructure and critical safety enhancements and business and economic development projects, we have concerns that too many of our airports would not get the funding they need; and

**WHEREAS**, the large number of airport projects that go unfunded year after year and 93 eligible public-use airports across the state compete for these limited funds further supports to the need for more funding for capital projects at airports.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties does hereby call upon the Governor and the Legislature to provide recurring and reliable funding for the maintenance and development of the State's airports; and

**BE IT FURTHER RESOLVED**, that fully-funding the aviation capital grant program and federal airport capital improvement state match would greatly contribute to promoting a safe and efficient air transportation system that would create high-level employment opportunities in regions throughout New York; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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

**2016 NYSAC Legislative Conference  
Standing Committee on Transportation and Public Works  
Resolution #3**

**Resolution Urging the Governor and the Legislature to allocate the local portions of the proposed transportation funding through the existing CHIPS formula**

**WHEREAS**, this Executive's proposed 2016-17 State Budget includes \$438,097,000.00 for CHIPS funding and \$39,700,000.00 for Marchiselli funding, which is consistent with last year's budget; and

**WHEREAS**, the proposed budget calls for \$22 billion for a multi-year transportation capital plan to upgrade roads, bridges and other vital transportation infrastructure throughout the New York; and

**WHEREAS**, the \$22 billion plan includes \$1 billion each for the BRIDGE NY and PAVE NY programs to replace, rehabilitate, pave and maintain state and local bridges and roads; and

**WHEREAS**, \$500 million of each program would go to fund state roads and bridges and \$500 million of each would go to fund local road and bridges; and

**WHEREAS**, the funding formula for allocating the total \$1 billion in local road and bridge funding has yet not been made clear; and

**WHEREAS**, the state budget proposal also includes \$500 million for the Extreme Weather Infrastructure Hardening program, which will make investments in roadways across the state susceptible to flooding and other extreme weather related events; and

**WHEREAS**, while this funding is welcomed and needed for our transportation infrastructure, it needs to be allocated in a fair and equitable method so that all local governments receive increases in transportation funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties does hereby call upon the Governor and the Legislature to allocate the local portions of the proposed PAVE NY funding through the existing CHIPS formula, which is based on local highway mileage (for all municipalities) and motor vehicle registrations (for counties and NYC); and

**BE IT FURTHER RESOLVED**, that BRIDGE NY local funding that is proposed to be distributed via a competitive solicitation must assure regional level decision-making and include local highway department representation, or be distributed through a CHIPS-like formula similar to PAVE NY as another way to assure real state/local equality, regional balance, and improved local decision-making and flexibility; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

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