



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Resolutions**

**Monroe County, New York
September 24-26, 2018**

Charles H. Nesbitt, Jr., President

Stephen J. Acquario, Executive Director

2018 NYSAC Fall Seminar Resolutions

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NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar Resolutions
Monroe County, NY**

Board of Directors Resolutions

Charles H. Nesbitt, Jr. (Orleans County) – President

**2018 NYSAC Fall Seminar
Board of Directors
Resolution #1**

**Resolution Calling on the Governor and State Legislative Leaders, that
Should the State Legalize the Non-Medical Use of Marijuana in New York,
the State Must Include Full State Reimbursement to Counties for Any
Increase in Costs Related to Such Legalization, in Addition to General
Revenue Sharing to Counties**

WHEREAS, the New York State Department of Health has issued an official report recommending that the State should permit the non-medical use of marijuana; and

WHEREAS, the State report acknowledges the anticipated difficulties that legalization presents for law enforcement including, but not limited to, a predictable rise in the need for Drug Recognition Experts and the loss of utility of K-9 dogs specifically trained to detect marijuana; and

WHEREAS, any such legalization will have numerous other social and practical impacts upon New York State residents that will place new responsibilities and service requirements on many county departments including public health, mental health, substance abuse, consumer protection, economic development and more.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the Governor and State Legislature to ensure they use a transparent and collaborative process that includes input from local government officials; and

BE IT FURTHER RESOLVED, at a minimum, the State must provide necessary reimbursements to counties to cover new costs incurred for law enforcement and other county services, as well as provide general revenue sharing to counties similar to the methodology used under the current medical marijuana program; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York 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 and the New York State Legislature, and all others deemed necessary and proper.

**2018 NYSAC Fall Seminar
Board of Directors
Resolution #2**

Resolution Urging New York State to Fully Fund New Costs Incurred by Counties Related to Raising the Age of Criminal Responsibility, Invest in Provider Capacity to Ensure Appropriate and Meaningful Services and Diversion Programs are Available, and to Develop a Comprehensive Transition and Waiver Process as Counties and New York City Begin Implementing the Law

WHEREAS, the state has enacted legislation to raise the age of criminal responsibility in New York effective October 1, 2018; and

WHEREAS, the state has indicated they will fully fund incremental costs counties incur related to raise the age provisions as long as they remain within the state-imposed property tax cap; and

WHEREAS, the state does provide for a fiscal stress application process for counties that do not remain within the tax cap to apply for state reimbursement; and

WHEREAS, significant questions remain unanswered on how incremental costs will be defined and how counties experiencing fiscal stress will be treated in regard to state reimbursement; and

WHEREAS, the state currently caps funding for foster care and youth detention, limits reimbursement for other child welfare and probation programs, and is proposing the elimination of PINS funding by 2020 under the new law, causing concern among counties of a potentially significant increase in unreimbursed state mandated costs related to changing 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 a significant recalibration of the treatment of impacted youth and their families in the court, juvenile justice and educational systems; and

WHEREAS, the human services-based models will require the need for enhanced job-training skills, significant engagement of the education system before youth need intervention, transportation supports, drug and alcohol treatment, family and individual counseling, remedial and vocational education for youth and adults, coordinated mental hygiene services, case management, and an increase in trained

foster parents with skills to care for and provide guidance to older troubled youth, and other interventions resulting in higher expenses; and

WHEREAS, the law includes significant reforms to and places new mandates on public safety, probation and county legal departments; and

WHEREAS, there are significant changes required under the law to the criminal justice system for youth requiring a fundamental realignment of court jurisdiction: training of judges, prosecutors, defense attorneys, and numerous other activities that are under the control of the Judicial Branch of New York State government; and

WHEREAS, the release of draft regulations for the construction of specialized secure detention facilities was done after most counties completed their budget process for 2018; and

WHEREAS, available guidance on building these facilities was provided under an extremely short timeline considering requirements counties must follow under New York State procurement law and New York State County law; and

WHEREAS, while counties are working diligently with the State on these construction plans, the draft regulations did not provide for any streamlining of state procurement laws and rules; and

WHEREAS, beyond the need for counties to show that they have built their own specialized secure detention beds, or secured bed availability through other counties, many regions of the state continue to struggle with ensuring they have adequate capacity to provide the type and quantity of necessary services to affected youth and their families in their local communities; and

WHEREAS, numerous questions related to the new legal and judicial requirements remain open; and

WHEREAS, counties appreciate the strong outreach by the Governor's Office and state agencies in coordination with county officials and others that will implement the law, yet remain concerned with the process and implementation.

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 for counties and New York City to avoid the imposition of a new unfunded mandate on local taxpayers; and

BE IT FURTHER RESOLVED, the State should decouple the requirement that counties adhere to the property tax cap in order to be eligible for full state reimbursement related to new costs incurred by the law; and

BE IT FURTHER RESOLVED, the State should consider removing fiscal caps for foster care and youth detention as part of this age of criminal responsibility reform, as well as restore the 65 percent state matching rate for child welfare services and continue state funding for PINS; and

BE IT FURTHER RESOLVED, the State needs to do extensive outreach and engage the K-12 school system as a partner in these systemic reforms; and

BE IT FURTHER RESOLVED, given the fast approaching deadlines, we strongly encourage the State to consider a waiver process during the early transition period, especially in regard to finding appropriate placement options for youth and families in need of services, as well as for cases where placement in new adolescence detention facilities are required, but may not yet be built and fully operational; and

BE IT FURTHER RESOLVED, that fiscal waivers should be guaranteed for counties in the early years of the transition, or until such time that reliable historical data is available to help counties develop accurate budget projections; and

BE IT FURTHER RESOLVED, counties strongly encourage state agencies and the judicial branch to continue to work with counties on solidifying first year fiscal, caseload and capital costs related to this law as soon as practicable so that counties can prudently plan their budgets in 2019 and beyond; and

BE IT FURTHER RESOLVED, the state should recognize there will need to be flexibility in accommodating 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, counties appreciate the outreach by the Governor and state agencies related to implementation and we strongly encourage this dialogue to continue and be expanded in the future; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Board of Directors
Resolution #3**

**Resolution Calling on the State to Cover all Expenses if Cashless Bail is
Enacted in 2019 and Beyond**

WHEREAS, New York Counties provide and pay for the majority of criminal justice services to our State's residents; and

WHEREAS, among other services, New York county governments provide critical public safety functions, prosecute crimes, incarcerate those guilty of crimes, provide legal defense services, and deliver rehabilitation services, mental health support, and probation needs; and

WHEREAS, recently State Legislative leaders and the Governor have stated reforming the criminal justice system is a worthy and needed goal; and

WHEREAS, in 2018 numerous bills were introduced in efforts to reform our criminal justice system, including proposals to change the State's bail system; and

WHEREAS, under current law, judges place monetary bail levels based on the "risk of flight" of the accused surrounding the facts of the case; and

WHEREAS, to combat inequities this type of system may cause to those with less fiscal means, states such as California have recently enacted what is known as "cashless bail"; and

WHEREAS, a cashless bail system would mean the accused is released from jail either on their own recognizance or with non-monetary conditions imposed by the court, such as reporting to a "pretrial services agency"; and

WHEREAS, New York State legislative leaders and the Governor have suggested a cashless bail system will be strongly considered in the 2019 legislative session; and

WHEREAS, reform efforts must include costs met by the State and not placed on counties and local taxpayers; and

WHEREAS, New York counties have been supportive of criminal justice changes such as raising the criminal age in New York, however, as this program has proven, there are many direct and indirect costs to counties when implementing this type of reform; and

WHEREAS, a cashless bail system will require county expenditures such as "pretrial services agencies" that will be required to assist the accused, help the victim, protect residents, and ensure the accused is present in court to answer to the People, which will

include personnel from county Probation Departments, Sheriff Departments, District Attorney and Public Defenders' offices, as well as county Health and Mental Health Departments; and

WHEREAS, since 2012 New York counties have operated under a State-imposed real property tax freeze, and in that same period sales tax revenue in upstate New York has been stagnate; and

WHEREAS, counties have no ability to raise revenue to meet any further State imposed system changes and local property taxpayers cannot be asked to add to their already highest-rate-in-the-nation taxes.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) requests the State of New York to thoroughly study any change to the bail system prior to implementing modifications and work with, and get input from, county government leaders in order to accurately assess the fiscal implication of such a program change; and

BE IT FURTHER RESOLVED, if a cashless bail system is implemented in New York, NYSAC calls on the State to meet all costs, direct and indirect, that will be placed on counties to enact; and to meet that need; and

BE IT FURTHER RESOLVED NYSAC will send copies of this resolution to the counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, 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.

**2018 NYSAC Fall Seminar
Board of Directors
Resolution #4**

Resolution Requesting State Action to Promote Recycling

WHEREAS, local governments and counties herby support recycling efforts in our communities; and

WHEREAS, many counties operate solid waste transfer station and are required to comply with regulations imposed by New York State that police their operations, including a significant set of rules pertaining to recycled materials; and

WHEREAS, recycling products are a worldwide commodity in which China, the latest buyer of recycling materials in the world, has recently enacted a number of policies that effectively restrict the amounts and kinds of recycling exports from the United States to China; and

WHEREAS, these restrictive international policies are causing the cost of disposal of recycled materials to municipalities to increase to a point where the cost of disposing of recycled materials have exceeded and are now approaching our tipping fees for regular trash; and

WHEREAS, these world events are causing unsustainable increases in the cost of recycling material disposal for municipalities; and

WHEREAS, the worldwide commodity situation for recycled materials is unlikely to change in short-term; and

WHEREAS, the disposal of recycled materials previously provided municipalities a small revenue stream, but current events now make their disposal a growing cost to municipalities; and

WHEREAS, raising tip fees and other costs associated with recycling often has detrimental environmental effects such as “dumping” on both private and public lands.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the New York State Association of Counties (NYSAC) board, herby supports recycling and encourages all parties to collaboratively work together to protect, promote, and preserve the ability to effectively recycle; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the New York State Association of Counties (NYSAC) herby calls on Governor, the Legislature, and any relevant executive departments to re-evaluate current laws, policies, and administrative interpretations to preserve the ability to recycle; and

BE IF FURTHER RESOLVED, NYSAC requests New York State to provide assistance to local governments who are affected by this international policy, so they can better educate and serve their citizens; and

BE IF FURTHER RESOLVED, that copies of this resolution are sent to the counties of New York State encouraging members of counties to enact similar resolutions; and

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Agriculture and
Rural Affairs**

Hon. Douglas Berwanger (Wyoming County) – Chair

Hon. Terry Wilbur (Oswego County) – Vice Chair

**2018 NYSAC Fall Seminar
Standing Committee on Agriculture & Rural Affairs
Resolution #1**

**Resolution Calling on the State to Support the Dairy Industry by Developing
a Statewide Supplemental Price Support System to Address Price
Fluctuations in Fluid Milk**

WHEREAS, currently there is a crisis gripping New York State's dairy farmers. The overabundance of milk, flagging demand, dramatically lower prices, higher operating costs, and unfavorable weather conditions have negatively impacted the economic viability for dairy farmers across the state; and

WHEREAS, dairy farming is recognized as the leading agriculture industry in New York State. This industry is a significant part of our local, county, and state economies and makes a very substantial contribution to our rural communities; and

WHEREAS, in recent years, there has been robust milk production in New York with a 52-month period of year-over-year growth, yet commercial sales and consumption of fluid milk has decreased about 20% over a 17-year period, including a 10% reduction since 2011; and

WHEREAS, while there has been growth in dairy products, such as yogurt, and in lower-value storable milk commodities, such as dried milk, production of these products has not led to stable milk prices; and

WHEREAS, milk prices are heavily influenced by national and global factors, which are disrupted by shifting trade agreements and changing international dynamics, such as the removal of European production quotas for overseas dairy farmers; and

WHEREAS, farmers receive a price for milk sales set after production, which is regulated by a complex federal milk order, and are vulnerable to receiving prices below the cost of production that threaten the sustainability of our dairy industry; and

WHEREAS, the price stability for milk production is highly erratic and unpredictable. It is estimated that 2016 earnings for New York dairy farmers from milk sales are just one-third of that of 2013 and today's prices are similar to those received in 1985; and

WHEREAS, the mental challenges to dairy farmers and farm families, along with other factors, such as hazardous working conditions, fluctuating labor needs, and

unpredictable weather conditions, exacerbate the crisis for humans involved in this industry.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby calls on the State to support the development of a state-sponsored New York price supplemental program or margin protection program that addresses low milk prices for our dairy farmers when the cost of production exceeds the income from sales; and

BE IT FURTHER RESOLVED, that the State should identify a dedicated funding source for this program; and

BE IT FURTHER RESOLVED, that NYSAC is committed to educating local, county, state and federal governmental officials of the issues facing our dairy industry and seek their engagement in becoming part of the solution; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Agriculture & Rural Affairs
Resolution #2**

**Resolution to Promote Consumption of Whole Milk and Flavored Milk in
New York State School Breakfast, Lunch, and Afterschool Snack Programs**

WHEREAS, according to the National School Lunch Program, “Fluid whole milk is an important component in an adequate diet, being one of the most important sources of calcium, and contributing substantially to the protein and vitamin A content of a meal;” and

WHEREAS, milk is the best source of nine essential vitamins and minerals in children’s diets, and when its consumption drops, the overall nutritional intake of America’s youth is jeopardized; and

WHEREAS, the Healthy, Hunger-Free Kids Act of 2010 required the USDA to update federal nutrition standards for schools including restricting schools to offer only fat-free or 1% milk; and

WHEREAS, according to USDA statistics, student lunch participation has decreased in 49 states under the 2010 standards and, in just the first two years after low-fat flavored milk was removed from the school lunch program, 1.1 million fewer school students drank milk with their lunch; and

WHEREAS, strict limits on calories, fat, sugar, carbohydrates, sodium and other aspects of the federal school lunch regulations for schools participating in the free and reduced lunch program has increased cafeteria costs at the same time as a drastic drop has occurred in the number of participating students; and

WHEREAS, the School Milk Nutrition Act of 2017 looks to reverse this trend and allow schools to offer low-fat and fat-free milk, including flavored milk with no more than 150 calories per 8-ounce serving, to participants in the federal school lunch and breakfast programs and allows individual schools and school districts to determine which milkfat varieties to offer their students; and

WHEREAS, according to U.S. Secretary of Agriculture Sonny Perdue, milk is a key component of school meals, meaning schools must have more options for students who select milk as part of their lunch or breakfast; and

WHEREAS, Secretary Perdue has directed the USDA to begin the regulatory process for schools to serve one percent flavored milk through the school meals programs; and

WHEREAS, increasing milk consumption through the National School Lunch Program is not only beneficial to our youth but also supportive of our state's dairy industry; and

WHEREAS, NYSAC recognizes the importance of its leadership role at the county level and influence of state government and commits to assist in formulating policy that address our societal issues.

NOW, THEREFORE, BE IT RESOLVED the New York State Association of Counties (NYSAC) supports legislation that promotes milk consumption in our schools; and

BE IT FURTHER RESOLVED that NYSAC supports the elimination of restrictive policies at the state and federal level that unduly discourage the consumption of milk in our school lunch program; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Agriculture & Rural Affairs
Resolution #3**

A Resolution Calling for Increased State Support for Cornell Cooperative Extension County Associations in the State of New York

WHEREAS, Cornell Cooperative Extension (CCE) is a formal collaboration between the National Institute of Food and Agriculture at USDA, New York State, county governments, and the citizens of New York State that has served to apply unbiased, research-based knowledge from Cornell, New York's Land Grant University, to the needs of New Yorkers and their communities for over 100 years; and

WHEREAS, local CCE educators are key community partners in helping to implement state initiatives, including: maximizing agriculture and local food systems; strengthening the economy; promoting healthier eating habits and access to good nutrition; fighting poverty, particularly in rural areas; protecting water quality and stewardship of New York's natural resources; building opportunity through STEM-based youth education and leadership skills in 4-H; promoting renewable energy options while protecting farmland resources; and partnering where appropriate in Taste NY initiatives to promote tourism and local food and farm businesses; and

WHEREAS, support from federal, state and county sources is essential to the continued success of locally-governed county cooperative extension associations; and

WHEREAS, state appropriations for county cooperative extension associations to match county government appropriations as authorized by Section 224.8 of the County Law have remained stagnant for eighteen years; and

WHEREAS, state funding is needed to ensure that the Cornell Cooperative Extension system can equitably work for all New York residents through increased resources to support rural, suburban, and urban community development needs.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) supports increasing the state appropriation for Cornell Cooperative Extension associations to \$8 million, with such funds to be distributed directly to the associations through Cornell University as agent for the state as provided by law; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Children with Special
Needs**

**Lisa Chester (Niagara County) – Vice Chair
Rita Wood (Ulster County) – Vice Chair**

**2018 NYSAC Fall Seminar
Standing Committee on Children with Special Needs
Resolution #1**

**Resolution Urging the Governor and the New York State Legislature to
Improve the Early Intervention Program to Better Serve Children and
Families Through Reforms that Address the Lack of Available Providers in
Many Areas of the State**

WHEREAS, the Early Intervention Program in New York State is still in need of comprehensive reform in order to address the concerning issue of provider capacity since the transition to State administered provider agreements in April 2013; and

WHEREAS, counties are responsible to ensure that services developed in an Individualized Family Service Plan (IFSP) begin within a timely fashion, namely 30 days from the date of the authorizing IFSP; and

WHEREAS, counties must assign providers to a child's IFSP that have current provider agreements with the New York State Bureau of Early Intervention and are listed per county in the New York Early Intervention System (NYEIS) database; and

WHEREAS, the NYEIS database is not maintained in an accurate and timely manner; and

WHEREAS, providers listed in the NYEIS database are frequently unavailable to service a child due to factors including the area in which the child resides, the provider is only accepting referrals for one or two children enrolled in the Early Intervention Program (EIP) due to other commitments outside of the EIP, provider case load is full and/or the provider no longer works for the EIP although is still listed in the NYEIS; and

WHEREAS, there are many children not receiving the EIP services they are entitled to, and are instead placed on wait lists pending an available provider; and

WHEREAS, some regions of the state can find no available providers that specialize in certain service categories; and

WHEREAS, the existing number of rendering providers are inadequate to meet the needs of the currently enrolled EIP children and their families.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon the Governor and New York State Legislature to consider reforms to the Early Intervention Program to ensure sufficient provider capacity is

available and that counties will be held harmless for any delays due to a lack of adequate and timely availability of providers; and

BE IT FURTHER RESOLVED, the state Department of Health should consider other models of service delivery options for counties to utilize, including telemedicine, primary medicine and routine-based intervention to address the lack of available providers in many areas of the state; and

BE IT FURTHER RESOLVED, the State must ensure the NYEIS database is maintained for accuracy; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
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, New York 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, there is little evidence that the centralization of provider agreements and billing, through the statewide fiscal agent model has improved the overall rate of collections from third party private insurance or Medicaid; 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, due to the lack of oversight by the State Fiscal Agent, problems have arisen related to the lack of follow through by some service providers; and

WHEREAS, any extensive delay in providing such information can result in a denial by the insurance company due to untimely filing, causing these claims to fall to the state and counties, forcing both to pay more than they should under the law; and

WHEREAS, we continue to support legislative and administrative proposals from the Governor that prioritize and require the State to enforce current insurance regulations regarding payment of Early Intervention service claims in an attempt to increase commercial insurance collections; and

WHEREAS, the State has implemented health insurance benefit changes in its Child Health Plus program that will likely reduce third party billing opportunities, resulting in higher costs for counties in the Early Intervention Program; and

WHEREAS, under the statewide fiscal agent model, counties remain concerned about program integrity efforts pursued by the fiscal agent and the Department of Health

(DOH) through audits, and believe that third party collections are not being maximized; and

WHEREAS, while counties have been advised by DOH that counties can pursue their own audits and collections to ensure program integrity, counties have no effective mechanism under the law, or leverage with providers, to recoup any audit findings as counties do not hold the provider contracts or have the ability to withhold payments as a way to recoup funds.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and the State of New York to 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, that the State require all providers to enroll in 835 electronic remits and execute timely filing requirements; and

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

BE IT FURTHER RESOLVED, the State should carefully review all benefit changes in state-supported public health insurance programs such as Medicaid and Child Health Plus to ensure new costs are not shifted to county public health programs when current benefits are eliminated or modified; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Economic
Development, Environment, and Energy**

Hon. William Farber (Hamilton County) – Chair
Hon. Rebecca Ryan (Wyoming County) – Vice Chair
William Rabbia (Oneida County) – Vice Chair

2018 NYSAC Fall Seminar

**Standing Committee on Economic Development, Environment & Energy
Resolution #1**

**Resolution Supporting Investments in Shovel-Ready/Market-Ready Sites to
Make New York More Competitive for Economic Development Projects**

WHEREAS, New York State has the opportunity to compete for large-scale, job-creating projects with other sites around the globe; and

WHEREAS, the “time to market” for an economic development project is longer in New York State than most competing areas; and

WHEREAS, economic development sites lack access to necessary infrastructure, be it water, sewer, roads, or utilities, as compared to other competing sites; and

WHEREAS, New York State has shown success with attracting large-scale economic development projects in the past; and

WHEREAS, programs used to be in existence to support critical investments to attract large-scale transformative projects; and

WHEREAS, reactivating and funding a Build Now/Shovel-Ready Certification Program would incentivize planning and developing market-ready sites across New York State.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) supports New York State investing \$50 million in the Market-Ready Site Program, which will expedite the timeline for project completion and attract future investments to New York State; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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 those deemed necessary and proper.

2018 NYSAC Fall Seminar

**Standing Committee on Economic Development, Environment & Energy
Resolution #2**

**Resolution Supporting Legislation Giving Industrial Development Agencies
(IDAs) the Ability to Provide Loans and Grants to Stimulate Economic
Investment and Job Creation in New York State**

WHEREAS, New York State faces a pending budget crisis and a potential \$4 billion deficit by 2020, growing to \$7 billion in 2021; and

WHEREAS, economic development is the main priority to broaden our tax base, create jobs, and attract future investment; and

WHEREAS, IDAs used to be able to reinvest their revenues in the communities they serve through loans and grants; and

WHEREAS, restrictive legislation passed in 2008 prevents IDAs from providing loans, grants, or civic activity bonds; and

WHEREAS, the 2008 legislation had a negative impact on New York State by limiting capital that could be invested to develop infrastructure, create jobs, provide early stage seed funding, create workforce development programs, and increase downtown revitalization; and

WHEREAS, several IDAs have reserves that could be directly invested in local communities to stimulate economic growth; and

WHEREAS, IDAs worked collaboratively with the Office of the State Comptroller (OSC) on groundbreaking legislation in 2016 to improve reporting, transparency, and accountability.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) supports legislation authorizing IDAs to provide loans and grants within their regions to create jobs, leverage private investment, and improve the economic climate and quality of life across New York State; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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 those deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Intergovernmental
Relations**

**Robert Hagemann, III (Jefferson County) – Chair
Hon. Peter Crouse (Albany County) – Vice Chair
Cheryl Ketchum (Wyoming County) – Vice Chair**

**2018 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #1**

**Resolution Urging Governor Cuomo and the State Legislature to Amend
State Insurance Law to Make It Easier to Create Shared Municipal Health
Insurance Consortiums**

WHEREAS, health insurance costs are among the fastest growing costs for local governments across the state; and

WHEREAS, to address this challenge, counties and local governments are exploring ways to create municipal health insurance consortiums to jointly self-fund their health plans at a significantly lower cost to taxpayers; and

WHEREAS, these plans could reduce costs and increase flexibility while ensuring quality coverage for counties, municipalities, and local government employees; and

WHEREAS, Governor Andrew M. Cuomo and State Leaders have strongly encouraged local governments to pool resources, share services and consolidate operations to improve efficiency and reduce costs to taxpayers, particularly with the State's recently enacted and expanded County Wide Shared Services Initiative; and

WHEREAS, whenever two or more local governments want to join forces to provide employee health insurance, Article 47 of the Insurance Law is triggered; and

WHEREAS, Article 47 allows for the creation of municipal healthcare consortia, but its onerous regulations have enabled only one municipal healthcare consortium to form since 1991; and

WHEREAS, counties have asked for several years that the state review its current legal and regulatory requirements that allow counties to establish shared health insurance risk pools to help lower costs for local governments; and

WHEREAS, Governor Cuomo asked the State Department of Financial Services to provide guidance for municipalities that want to create an Article 47 health insurance consortium, but that guidance did not reduce the onerous requirements of the law.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) does hereby urge Governor Andrew M. Cuomo and the State Legislature to amend State Insurance Law to make it easier to form municipal health

insurance consortiums by allowing consortia to start with fewer than the required 2,000 employees with health insurance policy contracts, reduce the amount of IBNR reserves to more accurately reflect actuarial analysis of projected reserves needed, and allow other public entities to join a consortium as long as they have a connection to a taxing jurisdiction; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #2**

**Resolution Commending the State's Efforts to Improve Cyber Security for
County Information Systems, including Election Systems**

WHEREAS, in New York State, counties are responsible for managing a wide range of information systems, many of which manage critical public data, including voter databases, social service data, public health data, and other sensitive information that must be properly safeguarded against cyber hackers and criminals; and

WHEREAS, as the 2016 elections approached, it became increasingly clear that bad actors were trying to hack into the information systems and databases maintained by boards of elections across the United States of America, including in New York; and

WHEREAS, the New York State Cyber Security Council, the New York State Police, Homeland Security, and the State Board of Elections continue to encourage counties to bolster security over their election IT systems to ensure systems are not compromised; and

WHEREAS, State Leaders this year enacted a four-pronged approach to further strengthen cyber protections for New York's elections infrastructure that includes creating an election support center, developing an elections cyber security support toolkit, providing cyber risk vulnerability assessments and support for local boards of elections; and requiring counties to report data breaches to state authorities; and

WHEREAS, the State Department of Homeland Security this summer offered grant application opportunities for a share of \$500,000 in state funds that can help counties bolster their cyber security efforts; and

WHEREAS, the State Department of Information and Technology Services began to offer advice and services to county IT directors in support of cyber security efforts.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) commends the State of New York for its efforts to help protect county information systems, and we encourage those efforts to continue with the addition of state funding to support counties' investments in cyber security activities; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #3**

**Resolution Urging the Governor and Legislature to Renew Their
Commitment to Fully Funding the State Share of Community College**

WHEREAS, under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

WHEREAS, the establishment and continued operation of a statewide community college system was based on an ongoing state aid funding commitment of at least one-third, and up to 40%, of community college operating costs; and

WHEREAS, the state funding amount has declined over the years and is now below their historic one-third commitment, and far short of 40%; and

WHEREAS, the Legislature and Governor have been providing modest increases in state aid the last few years, but that commitment remains far below the intended statutory commitment.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to make every effort to increase state aid funding to levels closer to 40% of the share for community college operating costs; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #4**

**Resolution Urging the Governor and Legislature to Fully Fund the Costs of
FIT Chargebacks for Students Attending for Credits for Bachelors and
Masters Degrees**

WHEREAS, under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

WHEREAS, the establishment and continued operation of a statewide community college system was based on an ongoing state aid funding commitment for community college operating costs; and

WHEREAS, counties are charged back for the tuition of students from their counties who attend a community college sponsored in another county; and

WHEREAS, community colleges were designed as two-year higher education institutions granting associates degrees and professional trade certificates; and

WHEREAS, counties are currently being charged back for students attending FIT for bachelor's and master's degrees, which was not the intent of the community college chargeback funding requirement; and

WHEREAS, at least one county has stopped reimbursing FIT for the tuition costs of their residents attending FIT for bachelor's and master's degrees; and

WHEREAS, FIT chargeback tuition rate per student is the highest in the state at nearly \$16,000; and

WHEREAS, Section 6305 of the State education law requires the state to reimburse counties for FIT chargebacks, but the state has not provided the necessary appropriations to comply with this state law requirement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that while the state should fully fund this requirement, we are asking the state to consider an interim step of fully funding FIT chargebacks to counties related to all educational instruction provided after two years (coursework necessary for a 4-year, and/or master's degree); and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #5**

**Resolution Calling on the State to Continue Providing State Matching Funds
for Savings Generated through County-Wide Shared Services Programs**

WHEREAS, counties have long used shared services and departmental consolidations as tools in improving local government efficiency; and

WHEREAS, since 2011, the State has enacted a series of laws requiring local governments to reduce property tax increases and find new opportunities to share services and reduce costs at the local level; and

WHEREAS, these laws included the property tax cap enacted in 2011, the Government Efficiency Program enacted in 2014, and the County-Wide Shared Services Initiative enacted in 2017; and

WHEREAS, in 2015, 35 counties submitted Government Efficiency Plans with annual savings at more than \$170 million for a three-year total of \$513 million from 1,303 different projects; and

WHEREAS, in the 2017-18 State Budget, the County-Wide Shared Services Initiative called for county leaders to take the lead in convening and developing new shared services and consolidation proposals designed to reduce the burden of local property taxes; and

WHEREAS, in October 2017, 34 counties submitted 389 proposals that identified \$208 million in projected savings in 2018, \$75 million in 2019 and \$76.1 million in 2020; and

WHEREAS, in 2018, 23 counties have convened county-wide shared service panels in compliance with the law enacted in the 2017-18 State Budget, and will be adopting plans to be implemented in 2019; and

WHEREAS, counties were required to spend resources, time, and funding to coordinate these shared services panels, including hiring additional staff members, or contracting with research agencies or consulting firms; and

WHEREAS, this year's enacted 2018-19 State Budget extended the requirement that counties convene these shared service panels in 2019, 2020, and 2021 to explore additional opportunities for local shared service projects; and

WHEREAS, this year's enacted 2018-19 State Budget includes \$225 million in state matching funds for payment to local governments that demonstrate savings from the shared services plans enacted in 2018.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby calls on the state to provide up to \$100,000 from the \$225 million allocation for each county that could be drawn down for expenses, reports, or seed money necessary for robust plan development; and

BE IT ALSO RESOLVED, that NYSAC calls on the state to continue to allocate funding for state matching funds for demonstrated shared services project savings enacted each year of the county-wide shared services initiatives; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #6**

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

WHEREAS, 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, county clerks take pride in overseeing and operating this important service on behalf of the State for our residents; 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 percent of all fees collected from the work performed by the county-operated DMV's; and

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

WHEREAS, our residents that need to obtain new licenses must understand the difference between traditional licenses, enhanced licenses, and Real IDs, and this education and service has largely been placed on counties with little to no increased funding to achieve this goal; and

WHEREAS, the in-person customer service requests and transactions that take place in a county DMV are increasingly time-consuming and costly, with little or no fee allotted; 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 with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide necessary local government services; and

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

WHEREAS, the counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in 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 (NYSAC) 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 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

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Medicaid and
Human Services**

**Kira Pospel (Greene County) – Chair
Robert Franklin (Monroe County) – Vice Chair
Mike Fitzgerald (Madison County) – Vice Chair**

**2018 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #1**

**Resolution Urging the State to Clarify Its Homelessness Prevention Goals
by Making Permanent Housing the Central Focus, While Developing a More
Effective Emergency Shelter Model**

WHEREAS, homelessness continues to be a major concern across the state; and

WHEREAS, the Governor continues to prioritize finding solutions for the homeless and affordable housing problems across the state; and

WHEREAS, while this commitment by the Governor is welcomed, there are still significant shortfalls in affordable housing and state and federal financial resources in many communities regarding emergency shelter; and

WHEREAS, counties have a long-standing commitment to serve vulnerable children and adults in our communities; and

WHEREAS, the needs of those seeking emergency shelter continues to evolve with many having challenging family dynamics; and

WHEREAS, regardless of family size and demographics, many of those facing homelessness or seeking emergency shelter can have challenging medical needs, mental health and substance abuse issues, some are registered sex offenders, and still others are state prison parolees or on probation, with some facing several of these challenges at the same time; and

WHEREAS, local social service districts focus scarce resources on achieving permanent housing, preventing homelessness and providing temporary placement; and

WHEREAS, counties maintain that preventing homelessness in the first place is the best way to keep families safe and secure; and

WHEREAS, significant state funding cuts in a wide array of social service programs over the last decade in conjunction with the state-imposed property tax cap has restricted counties' ability to pursue more aggressive prevention efforts that can reduce homelessness in the first instance; and

WHEREAS, counties agree that providing safe, secure and sanitary emergency shelter is critically important; and

WHEREAS, recent state directives, emergency rulemaking and data requests that focus on safety and security in emergency and temporary shelter situations are causing significant administrative burdens for counties without providing any additional financial support from the state to assist and comply with these demands, even though the state has increased its own staff significantly; and

WHEREAS, the new administrative needs are drawing resources away from services that are targeted to prevent homelessness in the first place and provide stability for families at risk; and

WHEREAS, counties maintain that while it is important to provide help in a crisis, it is better policy to maintain stability and prevent emergencies by providing sufficient resources up front; and

WHEREAS, state policies are directing excessive attention on inspections of motels, hotels, and shelters beyond what is required in state law to ensure health and safety, as well as conflict with inspections from the State Comptroller and local codes; and

WHEREAS, these increased state inspections are steering emergency shelter policy toward higher cost shelter options that do not currently exist in most counties in sufficient numbers, if at all; and

WHEREAS, counties believe there is insufficient OTDA inspection training and a lack of clarity on inspection procedures; and

WHEREAS, the Governor has emphasized certain emergency homelessness measures to address public safety and health concerns such as the “Code Blue” initiative; and

WHEREAS, this special focus in cold winter months is creating unintended consequences because they are promulgated under different rules that do not require visitors to follow local and state social service district eligibility rules designed to help them overcome barriers (such as drug and alcohol abuse, mental health treatment and employment), which impede their ability over the long term to achieve permanent housing and stability.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to make permanency the central focus of statewide homelessness policy; and

BE IT FURTHER RESOLVED, the State should coordinate a timely transition to supportive housing for the highest need individuals with mental health and substance abuse issues in collaboration with OTDA, other state agencies, and local social services districts; especially those that have been repeatedly homeless and in need of supportive placements overseen by OMH and OASAS; and

BE IT FURTHER RESOLVED, the State should target funding to counties that allows them to work with community partners to develop service models that achieve permanency through innovative and flexible approaches that meet local needs; and

BE IT FURTHER RESOLVED, the State should work with counties in developing a public education campaign to ensure the public better understands the plight of families and individuals struggling with homelessness and how everyone can benefit by helping them achieve stable housing in our communities; and

BE IT FURTHER RESOLVED, counties are seeking more clarity and training on inspection procedures focused on significant criteria so that health and safety are addressed, and attention is not diverted to insignificant matters; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the Office for Temporary Disability Assistance and all others deemed necessary and proper.

**2018 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #2**

Resolution Urging the Governor and Legislature to Maintain Our Mutual Goals of Not Shifting New Costs to Counties, While Maintaining Reasonable Local Flexibility Over Administrative Functions, as the State Realigns Medicaid Administrative Functions and Human Services Programs

WHEREAS, the State Department of Health continues its multi-year effort to take over the administrative responsibilities of the Medicaid program from county government as a way to provide improved consistency in the administration of Medicaid and to reduce administrative burdens for counties and New York City; and

WHEREAS, counties support efforts to streamline government operations in ways that can improve the delivery of services and responsiveness to recipients' needs, while not shifting new costs to county taxpayers; and

WHEREAS, the State has enacted a cap in reimbursement to counties and New York City related to Medicaid administrative claiming; and

WHEREAS, even though the state has made progress in taking over more Medicaid administrative functions from counties, they have also increased local administrative responsibilities in other areas, including Medicaid long term care services and supports, expanding administrative duties under Immediate Need for Personal Care Services and Consumer Directed Personal Assistance programs, added new responsibilities under a variety of state homelessness and emergency shelter activities, and expanded responsibilities under Raise the Age legislation that all stress local social services district (DSS) staff capacity; and

WHEREAS, policies have evolved such that the local DSS role is shrinking in terms of eligibility determinations, but simultaneously increasing in terms of home care assessments and responsibilities, and the other areas outlined above; and

WHEREAS, capped reimbursement with minimal relief from administering the State's Medicaid program creates significant fiscal and liability concerns for counties and is counterproductive in the current property tax cap environment; and

WHEREAS, counties also struggle with administering all other human services programs mandated by the State, especially since State financial support for local social

service district administrative costs was essentially eliminated many years ago to help balance state budget shortfalls; and

WHEREAS, the State Legislature has also passed legislation that will dramatically increase local district costs by requiring caseload caps for child welfare services without providing any additional state resources to support these actions.

NOW, THEREFORE, BE IT RESOLVED, that until the state Medicaid administrative takeover is complete we urge the Governor and Legislature to hold county property taxpayers harmless by maintaining the state funding level of the current Medicaid administration cap, continuing to prioritize state resources within the Office of Health Insurance Programs to facilitate the transition and preventing any shifting of costs if the state falls short in its attempt to takeover local Medicaid administrative functions; and

BE IT FURTHER RESOLVED, the State should not reduce counties' Medicaid administrative funding caps without a verifiable and commensurate reduction in local administrative responsibilities to avoid cost shifts; and no district shall be required to perform Medicaid functions unless performance of those functions is cost and liability neutral to the district; and

BE IT FURTHER RESOLVED, the Department of Health should continue to provide specific time frames to counties and New York City to ease the transition of personnel currently associated with the Medicaid program on the local level; and

BE IT FURTHER RESOLVED, the State should abstain from enacting new caseload staffing requirements and administrative edicts on local social service districts until such time that they fully fund these initiatives; and

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

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

**2018 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #3**

**Resolution Calling on the Governor and State Legislature to Provide
Incentives to Ensure There is a Necessary Supply of Personal Care Aides
and Related Workers to Ensure Eligible Recipients Get the Care They Need
in a Timely Manner**

WHEREAS, many counties across the state are beginning to experience significant gaps in the availability of personal care aides and other related home health service providers to meet demand; and

WHEREAS, counties and the state rely on the availability of a comprehensive array of home health care services as necessary to improve quality of life for eligible recipients and a proven, less costly alternative to more expensive institutional care; and

WHEREAS, as the shortage of qualified and experienced personal care aides and other related health professionals in many areas of the state grows, much needed services in our communities are being delayed or not provided at all in some cases; and

WHEREAS, over the near term, a combination of factors is influencing the available pool of home care workers, including: rising wages at the lower end of the hourly wage schedule due to a stronger economy, competition for workers across sectors, and the state mandated increase in the minimum wage which is equalizing the pay scale across a variety of lower skill professions; and

WHEREAS, the workforce shortages are especially acute in the most rural areas of New York that are often accompanied by an older than average population and overall population loss, meaning the elderly population is growing faster than the number of potential younger workers, regardless of profession; and

WHEREAS, over the long term, according to the U.S. Census Bureau, the number of Americans 65 and older is expected to increase from 40 million in 2010 to more than 88 million in 2050; and

WHEREAS, by 2050, those aged 85 and over are projected to account for 4.3 percent of the U.S. population, up from 1.8 percent in 2010, more than doubling.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to provide additional incentives to home health care aides and other related health care workers to ensure the necessary workforce is available to serve our aging population in New York State; and

BE IT FURTHER RESOLVED, the State consider a wide variety of incentives including direct wage supplements, education financial assistance for home health professions training, state income tax incentives, labor reforms and protections to recognize the physical work demands of a home health aide, among other incentives; and

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

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

**2018 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #4**

Resolution in Support of Continuing Efforts Between Local Departments of Social Services and the Office of Children and Families Services to Find a Solution That Ensures Counties Not Located Near the Training Center, Especially in Western New York, are Not Adversely Impacted by Travel and Cost Constraints

WHEREAS, the State and local departments of social services have been working together to update and modernize state training initiatives; and

WHEREAS, counties appreciate the open dialogue and communication during this process; and

WHEREAS, counties supported the decision to move to a more consolidated training system and to update the curriculum; and

WHEREAS, even with this open communication it has become apparent that counties not located near the new training center will face significant transportation and cost challenges to process new staff through the training in the required 90 days; and

WHEREAS, counties are also concerned about the preparedness of the State to handle the rush of training upon opening the new facility; and

WHEREAS, the new training regimen will require more travel and time away from home, which is making recruitment more difficult; and

WHEREAS, counties believe some temporary training options, such as using existing trainers within the counties or at local community colleges and the expanded use of internet-based learning, can be successfully utilized during the transition.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls upon the Office of Children and Family Services, to continue to work with local departments of social services on a transitional training program that allows for a temporary training system in western New York to be led by qualified county staff in this region; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Native American
Affairs and Gaming**

Hon. Keith Batman (Cayuga County) – Chair
Hon. John Becker (Madison County) – Vice Chair
Hon. Elizabeth Larkin (Cortland County) – Vice Chair

**2018 NYSAC Fall Seminar
Standing Committee on Native American Affairs and Gaming
Resolution #1**

**Resolution Calling on the State to Equitably Distribute Sports Wagering
Revenue to all New York Counties**

WHEREAS, in 2018 the United States Supreme Court struck down the Federal Professional and Amateur Sports Protection Act of 1992, which restricted sports gaming and sports gaming operations to four states (Nevada, Oregon, Delaware, and Montana); and

WHEREAS, now all 50 states may allow for and regulate sports gambling in the near future; and

WHEREAS, under current New York law, casinos are permitted to provide for sports betting operations as soon as NYS Gaming Commission regulations are implemented; and

WHEREAS, it is highly likely that sports gaming will be operational in New York in the near future as the NYS Gaming Commission has begun drafting regulations and the State Legislature has introduced and moved relevant bills; and

WHEREAS, under the current revenue sharing system, New York State receives funding from gaming facilities and a portion of this funding is passed to local governments for needed infrastructure and resident services; and

WHEREAS, depending on where the county is located, this local gaming revenue share can come from one or a combination of the following entities: private commercial casinos, Native American casinos, racinos, horse and harness raceways, and Off-Track Betting Corporations (OTBs); and

WHEREAS, with the expansion of casino gaming in New York State and the potential increase from sports gaming, there will be a significant realignment of gaming spending throughout the State; and

WHEREAS, without future state legislative and regulatory changes, only the casinos (commercial and Native American) will be allowed to provide sports betting, which could lead to further realignment of gaming spending and local government revenue sharing throughout the state; and

WHEREAS, under the current sharing/distribution system, it is arguable that Native American casinos would not need to share any revenue obtained from sports wagering with local governments or the State because these casinos now share revenue from VLT spending and not from other revenues, such as other games of chance.

NOW, THEREFORE, BE IT RESOLVED, when sports gaming is legalized in New York, the New York State Association of Counties (NYSAC) calls on the State to distribute an equitable percentage of income and gaming revenues to local governments and to consider a method where preexisting gaming facilities could be involved in sports gaming services in order to retain revenue locally, keep and create local jobs, and to ensure needed local government revenue; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact a similar resolution; 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.

**2018 NYSAC Fall Seminar
Standing Committee on Native American Affairs and Gaming
Resolution #2**

**Resolution Calling for the State of New York and the Seneca Nation to Agree
on Gaming Revenue Sharing**

WHEREAS, in 2002, the State of New York and the Seneca Nation entered into a compact with a provision that gaming revenue would be shared with the State in return for certain gaming exclusivity rights in Western New York; and

WHEREAS, as part of this legislation, the State of New York shares with local governments, including 16 counties in Western New York, a portion of the revenue they receive from the Seneca Nation; and

WHEREAS, the counties rely on that revenue to maintain infrastructure and provide public safety for all residents as well as provide services needed to help support this growing gaming industry; and

WHEREAS, two years ago a dispute between the Seneca Nation and the State arose over the language within the compact, leading the Nation to stop revenue sharing payments to the State; and

WHEREAS, this revenue loss amounts to approximately \$50 million annually to the 16 counties in Western New York; and

WHEREAS, due to a state-imposed property tax cap, counties are finding it increasingly difficult to maintain the critical local services residents demand and expect; and

WHEREAS, the Seneca Nation and the counties of New York have a long history of productive partnerships and respect, and the Nation leaders have recently expressed that they wish to continue this valued partnership with local governments; and

WHEREAS, the long-term viability of this region depends, in part, on all parties coming to an agreement on the involved issues; and

WHEREAS, the Seneca Nation and the State of New York have elected to resolve this issue through arbitration, a process which has already been delayed for over a year in procedures such as panel selection.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) again calls on the State of New York and the Seneca Nation to immediately resolve their differences and reach an agreement to avoid catastrophic harm to public safety and public services; and

BE IT FURTHER RESOLVED, NYSAC again calls on the State to make counties whole for past and current losses caused by this negotiation process and to the extent that such losses have been caused directly or indirectly, by the failure of the Seneca Nation to abide by the terms of the compact that the Seneca Nation make the counties whole so that local services and the residents that rely on those services are not impacted; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Public Employee
Relations**

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

**2018 NYSAC Fall Seminar
Standing Committee on Public Employee Relations
Resolution #1**

**Resolution Calling on the State of New York to Fully Reimburse Counties
for District Attorney Salary Increases that are Set and Controlled by the
State**

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and approximately \$207,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary; and

WHEREAS, on April 1, 2016, the State approved the Commission's recommendation; and

WHEREAS, New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (DA) salaries, requiring them to be equal or higher than either the County Court judge or Supreme Court judge in a county, depending on county size and full-time or part-time status; and

WHEREAS, historically, for over 50 years, the state has fully funded all District Attorney salary increases that they imposed on the counties; and

WHEREAS, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase; and

WHEREAS, in 2016 and 2017 the State Legislature enacted separate \$150 billion state budgets but did not include state funding for the \$1.6 million in costs for the increase in District Attorney salaries, which grew further in 2018; and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state-imposed property tax cap; and

WHEREAS, the Governor and State Legislature have recognized that lowering property taxes is a priority to ensure a healthy Upstate New York economy; and

WHEREAS, for some counties, the D.A. salary increase represented approximately one-third of their total allowable property tax growth for all government operation in 2016 and 2017; and

WHEREAS, in 2018; this annual unfunded mandate will increase significantly as Judicial salaries, and the District Attorney salary tied to them, will be required to increase approximately \$10,000 more.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the State of New York to fully fund this mandated salary increase as part of the 2019-20 budget and thereafter, including a one-time amount for the retroactive salary increase that has not been funded to date; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Public Employee Relations
Resolution #2**

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 lacking in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

WHEREAS, the Scaffold Law has caused a dramatic increase in construction costs due to higher 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 percent; 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 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, the 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, the New York State of Association of Counties 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 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.

**2018 NYSAC Fall Seminar
Standing Committee on Public Employee Relations
Resolution #3**

**Resolution Calling for an Increase in Flexibility for Local Governments to
Provide Needed EMS Services**

WHEREAS, counties with rural populations have been exploring the potential benefits of creating and operating county-wide emergency medical services (EMS); and

WHEREAS, currently only a town board or village board may create such a district and may only establish a joint district to provide EMS services when the territory is contiguous; and

WHEREAS, this restriction creates difficulty for districts in rural communities or those with unique geography such as waterways or mountains, as transportation networks can be limited and response times unavoidably delayed; and

WHEREAS, local governments have had difficulty obtaining volunteer crews in rural communities and this trend appears to be growing; and

WHEREAS, these factors, which are not the fault of those providing this vital service, have led to higher service costs and slow response times in rural communities; and

WHEREAS, when State laws are changed to allow county-wide EMS services, there will still be a great need for volunteer EMS services, and individual villages and towns may opt to retain their system if that is best for their residents; and

WHEREAS, this new county government authority should be a local option, not a mandate, and will only be implemented in areas where it will increase public health and safety and help local taxpayers.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on Governor Andrew M. Cuomo and members of the State Legislature to grant County Home Rule authority allowing for the establishment of EMS related districts; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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

**2018 NYSAC Fall Seminar
Monroe County, New York**

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

**Joseph Todora (Sullivan County) – Chair
Hon. Michael Amo (Orange County) – Vice Chair
Linda Beers (Essex County) – Vice Chair**

**2018 NYSAC Fall Seminar
Standing Committee on Public Health & Mental Health
Resolution #1**

**Resolution Calling on Governor Andrew M. Cuomo and the New York State
Legislature to Restore Funding Support for Unattended Death
Investigations**

WHEREAS, Coroners and Medical Examiners are county officers who make official inquiries about the cause and manner of an individual's death, especially those that occur under unnatural, unexplained, or suspicious circumstances; and

WHEREAS, coroners or medical examiners are required by law to investigate deaths by violence or accident; and

WHEREAS, coroners and medical examiners work in morgues to provide information for death reports, medical autopsies, post-mortem examinations, forensic pathology, and toxicology tests; and

WHEREAS, a coroner's and medical examiner's work must also identify unknown or unclaimed bodies, report news of a death to the next of kin, collect and transfer personal belongings found on a body at the time of the death, as well as sign death certificates; and

WHEREAS, prior to 2011, county coroners and medical examiners were reimbursed up to 36 percent with state aid from Article 6 funding to local health departments; and

WHEREAS, in 2011, the State Budget shifted the reimbursement for medical examiners from the New York State Department of Health (NYSDOH) to the New York State Department of Criminal Justice Services (DCJS) and the funding was no longer available as the state deemed this activity to be of public safety, not public health; and

WHEREAS, with the ongoing opioid and heroin epidemic, there has been a huge increase in the number of synthetic opioids and analogs that need to be tested, which places significant work and the financial burden of toxicology efforts of county medical examiner offices; and

WHEREAS, coroners and medical examiners should have a dedicated funding stream from the state to assist with the identification of real-time trends, such as prescription

medication and drug abuse, lethal activities, and to alert the appropriate county agencies and the public of these dangers.

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 restore direct state funding for unattended death investigations; and

BE IT FURTHER RESOLVED, that local health departments should be allocated additional funding in ways which allow for discretion and flexibility in addressing local public health priorities, such as the growing opioid and heroin epidemic; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Public Health & Mental Health
Resolution #2**

Resolution Calling on the NYS Office of Alcoholism and Substance Abuse Services and the Governor to Establish Permanent Jail-Based Substance Use Disorders Treatment and Transition Services Programs in All County Correctional Facilities

WHEREAS, New York State is engaged in a significant effort to address the rising rate of substance use disorders, including the epidemic of opioid and heroin addiction and the increasing number of deaths due to overdose; and

WHEREAS, the 2018-19 State Budget included \$3.75M for one year of funding to establish 17 county jail substance use disorder (SUD) programs; and

WHEREAS, this is a significant first step in addressing the need, however this level of funding does not adequately sustain these counties beyond 2019, nor does it address the remaining gap in the treatment and support in the continuum of care for individuals in all other county jails throughout the state; and

WHEREAS, in New York State, counties bear the sole burden for supporting SUD services in jails, and it is an ever-increasing burden with substantial unmet need; and

WHEREAS, jail incarceration provides a unique opportunity to offer treatment during periods when people are not using drugs and alcohol; and

WHEREAS, an appropriate level of funding to establish a comprehensive re-entry plan is critically important to minimizing the possibility of drug use, overdose and recidivism, and that for those jails that do have some treatment services, those services are far outpaced by the escalating need for them; and

WHEREAS, data shows that jail-based SUD treatment reduces crime, saves money, and saves lives; and

WHEREAS, according to a report conducted by Policy Research Associates on behalf of the New York State Conference of Local Mental Hygiene Directors, a survey of county sheriffs indicated that of the individuals detained in their jail on drug-related charges, 68 percent had been in their jail before; and

WHEREAS, a New England Journal of Medicine study found that in the first two weeks after release, former inmates with an opioid use disorder were 12.7 times more likely than other individuals to die of an overdose; and

WHEREAS, New York State's own analysis of the costs and benefits of jail-based SUD treatment found these services save taxpayers \$2,170 in criminal justice costs and victims \$676 per person, for a total impact of \$2,846 saved for each person served, as well as a reduction of 13 victimizations per 100 people served; and

WHEREAS, in the property tax cap era, a dedicated State funding stream to counties is desperately needed to provide SUD treatment services in the jails, including screening and assessment at entry, education and counseling services, peer support, medication assisted treatment and discharge planning to continue treatment post-incarceration.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the Governor and the Office of Alcoholism and Substance Abuse Services to establish a recurring appropriation without jeopardizing existing funding for community based services in the Governor's proposed 2019-20 Executive Budget for the establishment of permanent jail-based SUD treatment and transition services programs in every county correctional facility, therefore providing the local governments with the resources necessary to address the existing gap in the SUD treatment continuum and support efforts to reduce the human cost of the heroin/opioid epidemic on New Yorkers, while also reducing recidivism and victimization; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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 the Office of Alcoholism and Substance Abuse Services, and all others deemed necessary and proper.

**2018 NYSAC Fall Seminar
Standing Committee on Public Health & Mental Health
Resolution #3**

**Resolution to Expand Infrastructure for Public Health and Safety
throughout New York State: Reinvesting in Core Public Health Activities
and Response to Emerging Issues Addressed by Local Health Departments**

WHEREAS, core public health services are outlined in law as those that address family health, communicable disease, chronic disease, emergency preparedness/response and environmental health; and

WHEREAS, local health departments are New York State's partners and operational extensions, working in the forefront of communities, addressing public health issues and serving as the first line of defense against all public health crises by protecting communities and residents; and

WHEREAS, activities led by the 58 local health departments across New York State are paramount to our collective ability to achieve Prevention Agenda goals, address health disparities, improve health outcomes and ensure community safety and stability; and

WHEREAS, over time, we have seen an increase in emerging issues such as threats to water quality: harmful algal blooms, presence of PFOA/PFOS; opioid overdose deaths; vector borne diseases: rabies and tick-borne illnesses; communicable disease outbreaks: Ebola virus and Zika virus; environmental hazards: lead in housing stock and legionella and natural disasters such as hurricanes or flooding; and

WHEREAS, New York State is preparing policy to legalize regulated marijuana, which will lead to increased response including education, public awareness, and oversight by local health departments; and

WHEREAS, Directors and Commissioners of public health are chief health strategists within their respective counties, with the unparalleled expertise needed to apply knowledge, bridge competency gaps, and lead multi-sector health improvements; and

WHEREAS, the public health workforce employed within local health departments are first responders, working at the forefront of communities during times of need and when emerging health issues occur; and

WHEREAS, local health departments have not received an increase in core public health aid in more than six years, nor have they received adequate compensation needed to respond to emerging health issues; and

WHEREAS, State Budget appropriations for public health spending have been reduced year after year and new funding streams for emergency response activities are frequently accompanied by stringent federal spending or supplanting restrictions, which impacts how funds can be utilized and reduces flexibility to respond to local community need; and

WHEREAS, the public health workforce is central to New York State's public health infrastructure, yet it is dwindling due to public-sector budget restraints, competition, shortages of workers who are approaching retirement, ability to recruit new workers in all areas throughout the state, all of these factors culminate in significant workforce retention challenges; and

WHEREAS, New York State does not allow local health departments to recover any of its necessary or fringe expenses for local health department personnel under Article 6; and

WHEREAS, now is the time for a call to action to reinvest in public health and safety infrastructure in New York State through bolstered funding of Article 6, Public Health Law and to demonstrate the State's commitment to public health preparedness and safety measures aimed to protect residents in New York State.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor to call to action and reinvest within the 2019-20 Executive Budget by restoring COLA and expanding Article 6 State Aid for General Public Health Work base grants and reimbursement rates in the following ways:

1. Fully restore the COLA for DOH programs which was removed in the 2018-2019 State Budget;
2. Allow reimbursement of fringe expenses under Article 6 State Aid Appropriation;
3. Increase base grants to ensure public health services are eligible for full reimbursement of local expenditures:
 - a. Increase the base grant to Full Service LHDs (i.e. those with environmental health units) from \$650,000 to \$750,000;
 - b. Increase the base grant to Partial Service LHDs (i.e. those without environmental health units) from \$500,000 to \$550,000;
 - c. Increase the per capita rate for the largest counties from 65 cents per resident to \$1.30;
 - d. Increase the beyond-base-grant state aid reimbursement rate from 36% to 40%.
4. Provide 100% reimbursement for the first full year of any new and/or significantly expanded mandates emerging from law, rule or regulation;

5. Allow local health departments the increased flexibility in funding to respond to public health community needs; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Monroe County, New York**

Standing Committee on Public Safety

Hon. Sheriff Ron Spike (Yates County) – Chair
Hon. Matthew Veitch (Saratoga County) – Vice Chair
Hon. Martha Robertson (Tompkins County) – Vice Chair

**2018 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #1**

Resolution Calling on Governor Andrew M. Cuomo and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications, to More Equitably and Efficiently Release the Interoperable Emergency Communication Funds Authorized

WHEREAS, the funding mechanism that counties use to help operate, maintain, and upgrade 9-1-1 system capability and performance is out of date and does not correspond well to recent technology and marketplace changes; and

WHEREAS, unfortunately and unlike other states, too much funding is diverted by New York State for non-9-1-1 purposes, resulting in a system that does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement the next generation of 9-1-1 technology required under federal law; and

WHEREAS, under current law, for the last two budget years, \$10 million was authorized and targeted directly to PSAPs and up to \$65 million was set aside for the provision of grants and reimbursements to counties through the State Interoperable Communications Grants (SICG) program, administered by the Division of Homeland Security; and

WHEREAS, the release of funds from the state to counties, especially the SICG grant programs, routinely do not occur in the year they are appropriated, which causes planning and budgeting problems for many counties; and

WHEREAS, the goal of upgraded 9-1-1 systems is to make sure that all devices capable of connecting to the system can do so using voice, text, video images and other data formats to better inform the emergency responders to the situation they will be entering; and

WHEREAS, upgraded systems will also be able to better pinpoint an emergency caller that may be in a remote area of the state or in a skyscraper in one of our cities. Recognizing a more precise location of those needing emergency services will improve outcomes and save lives, but this cannot be accomplished without consistent and timely funding from the state.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby calls upon Governor Andrew M. Cuomo and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications to release all funds authorized so far and to ensure that future authorizations are made available to counties in full in the budget year they are appropriated; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #2**

Resolution Calling on the State to Reimburse Counties for the Temporary Detainment of Parole Violators at Local Correctional Facilities

WHEREAS, those who violate their parole are often held at local correctional facilities while appeals and extensions on hearing the violation are granted by the court; and

WHEREAS, the parole violator must appear before the court within 10 business days of the court's notice to appear; and

WHEREAS, the time the violator spends in the local correctional facility is credited to their sentence and oftentimes their additional sentence is served in a local correctional facility; and

WHEREAS, this is causing a financial and personnel strain on local correctional facilities; and

WHEREAS, S.744 (Ritchie)/A.305 (Gunther) requires parole violators to be transferred to state correctional facilities after 10 days in a local correctional facility; and

WHEREAS, the legislation also requires Department of Correctional and Community Supervision (DOCCS) to reimburse the local facility for the cost of the temporary detainment of the parole violator if they are not transferred to a DOCCS facility within 10 days; and

WHEREAS, operating local jails imposes a significant cost to counties. It is important to implement policies that require the state to be responsible for the costs of detaining state parole violators. This bill has the potential to provide fiscal relief for counties.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and the New York State Legislature to support legislation that requires parole violators be transferred to state correctional facilities after 10 days or reimburse counties for temporary detainment of parole violators; and

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

BE IT FURTHER RESOLVED, 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.

**2018 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #3**

**Resolution Calling on the Governor and State Legislature to Increase the
New York State Income Tax Credit for Volunteer Firefighters and EMS
Workers**

WHEREAS, New York State counties and their communities rely heavily on a dedicated cadre of volunteer firefighters and EMS workers for emergency response; and

WHEREAS, financial incentives, in the form of income tax credits for volunteers, provide volunteer fire departments and EMS agencies the ability to better recruit and retain volunteers; and

WHEREAS, New York State implemented an annual \$200 income tax credit for qualifying volunteer firefighters and EMS workers in 2007; however, the level of credit has remained unchanged and has become inadequate as volunteer numbers continue to decline.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the Governor and State Legislature to support legislation that provides an increase to the Volunteer Firefighter and EMS Worker State Income Tax Credit to \$500 annually; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York 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 and the New York State Legislature, and all others deemed necessary and proper.

**2018 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #4**

Resolution Calling Upon the Governor and State Legislature to Allocate Resources Sufficient to Provide a School Resource Officer in Every School District in New York State

WHEREAS, violence in our schools, including mass shootings, continue to be difficult to prevent; and

WHEREAS, local law enforcement, including county sheriffs, remain emphatic that the development of a robust school resource officer program would be the most effective deterrent to future incidents of violence; and

WHEREAS, highly trained school resource officers can provide an immeasurable deterrent to violence in our schools; and

WHEREAS, school resource officers can provide the opportunity to intervene with a troubled youth before violence precipitates and can also be a watchful guardian should violence occur; and

WHEREAS, not all schools have the money available to contract the services of a dedicated school resource officer—one with full police powers— from a local police agency; and

WHEREAS, by providing schools with the necessary fiscal resources to protect school children, young adults, faculty and staff; the State of New York can be a leader in school safety.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls upon the State to allocate funding to provide a school resource officer in every school district in New York State.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York 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 and the New York State Legislature, and all others deemed necessary and proper.

**2018 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #5**

Resolution in Support of Federal Legislation that Requires States to End the Practice of Diverting Fees and Surcharges Raised for the Purpose of Maintaining and Improving 9-1-1 Emergency Systems to Unrelated Purposes

WHEREAS, maintaining and improving 9-1-1 systems to ensure the highest operational efficiency, ease of use, accurate GPS location capability and ability to accept multiple data formats requires the full commitment of available resources; and

WHEREAS, in 1989, New York State enacted the Enhanced Emergency Telephone System Surcharge Law, that imposed a monthly fee on landline telephones; and

WHEREAS, in 1991, New York State expanded this law to add a fee for all cellular telephones in the state; and

WHEREAS, these fees were intended by the law to be used to support landline and wireless 9-1-1 emergency systems; and

WHEREAS, the State Legislature and numerous Governors authorized the diversion of these 9-1-1 fees and revenues for non-related purposes; and

WHEREAS, over time, more and more of these funds were diverted; and

WHEREAS, today, the State Legislature and Governor divert nearly 63 percent of the cellular surcharges raised for non-9-1-1 purposes; and

WHEREAS, since 2008, the New York State Association of Counties (NYSAC) estimates that of the \$2.1 billion in revenue raised through cellular surcharges, over \$1.4 billion has been used for purposes other than 9-1-1 systems; and

WHEREAS, federal administrators and members of congress have raised concerns for over a decade that New York State, and a handful of others, have diverted fees and revenues raised for maintaining and upgrading 9-1-1 systems to unrelated purposes.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties supports federal legislation H.R. 6424 that would no longer allow states to divert surcharges originally intended to support 9-1-1 systems to other purposes; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York 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 the National Association of Counties, New York State Congressional Delegation, Governor Andrew M. Cuomo and the New York State Legislature, and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Fall Seminar
Monroe County, New York**

**Standing Committee on Taxation and
Finance**

**Hon. Arthur Johnson (Saratoga County) – Chair
Hon. Terri L. Ross (Allegany County) – Vice Chair
Hon. James Maloney (Ulster County) – Vice Chair**

**2018 NYSAC Fall Seminar
NYSAC Standing Committee on Taxation and Finance
Resolution #1**

Resolution Urging the Governor and State Legislature to Enact Legislation that Ensures a Fair and Level Playing Field for All Retailers by Updating the State Sales Tax Code in Recognition of the Recent Supreme Court Decision that Ruled States Have the Right to Collect Sales Tax on Purchases Made over the Internet

WHEREAS, the U.S. Supreme Court recently ruled in favor of the states to collect sales tax on Internet purchases made by consumers in their state under *South Dakota v. Wayfair*; and

WHEREAS, this decision overturned the *Quill* precedent set by the Court in 1992; and

WHEREAS, the *South Dakota v. Wayfair* ruling declared that “...*Quill* is flawed on its own terms...;” and

WHEREAS, the recent decision also declared that “*Quill* creates rather than resolves market distortions;” and

WHEREAS, the recent decision continues, “In effect, it is a judicially created tax shelter for businesses that limit their physical presence in a state but sell their goods and services to the state’s consumers...;” and

WHEREAS, the decision also states, “By giving some online retailers an arbitrary advantage over their competitors who collect sales taxes, *Quill*’s physical presence rule has limited states’ ability to seek long-term prosperity and has prevented market participants from competing on a level playing field;” and

WHEREAS, the Court’s ruling reiterates many of the same reasons the New York State Association of Counties (NYSAC) and the Governor cited relating to the need for New York to update its sales tax collection system; and

WHEREAS, the Supreme Court ruling in *South Dakota v. Wayfair* provides a clear blueprint on how states can proceed in changing their state laws to comport with the decision while maintaining the rights of all market participants; and

WHEREAS, the Court also clarified that since the *Quill* decision created the problem, they corrected that problem by overturning *Quill* and that, while congress has the right to enact federal legislation in this area, there is no need to as the Court corrected their earlier mistake, clearing the way for states to collect taxes they are lawfully owed.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to update the state's sales tax laws to ensure that sales tax lawfully owed is collected on Internet purchases in a way that conforms with the principles laid out in *South Dakota v. Wayfair*; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Taxation and Finance
Resolution #2**

**Resolution Calling on the Governor and State Legislative Leaders to Reform
the Home Rule Revenue Process by Enacting Longer Extension Periods
with the Goal of Making Most of these Measures Permanent**

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

WHEREAS, counties must administer and pay for more than 40 state programs that can consume up to 85 percent of a county's entire budget; 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, local elected officials rely on their home rule authority to determine what mix of local taxes is the least burdensome in their community; and

WHEREAS, in recent years, counties have seen their home rule authority held hostage in larger state policy fights, including the lapsing of local sales tax authority a few years ago for a county and most recently, no renewal of local mortgage recording taxes for four counties at the close of the latest legislative session; and

WHEREAS, in the case of sales tax, counties often share the revenues with other local governments, where on average nearly one out of every four local sales tax dollars collected are shared with cities, towns, and villages 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 likely exceed \$1.9 billion in 2018, which is more than double the AIM funding the state provides to local governments; and

WHEREAS, enacting longer home rule revenue authorizations still allows for appropriate state legislative review; and

WHEREAS, even if this local home rule revenue authority is made permanent, any future change would be subject to state legislative review and action; and

WHEREAS, a longer local authorization period would dramatically reduce administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels.

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, eliminates the unnecessary and duplicative legislative activity at the state and local level required under current state law, while retaining state legislative review; and

BE IT FURTHER RESOLVED, the State should, upon the next renewal of local sales tax rates and all other home rule revenue measures that come before the Legislature, provide a four-year authorization for each county; and

BE IT FURTHER RESOLVED, the State should make county sales tax authority permanent at the rate that exists at that time, the same authority that was granted to New York City nearly a decade ago; and

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

BE IT FURTHER RESOLVED, 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.

**2018 NYSAC Fall Seminar
Standing Committee on Taxation and Finance
Resolution #3**

Resolution Urging State Legislative Leaders to Focus Their Property Tax Relief Efforts on Fiscal Reforms that will Lead to Permanent and Historic Property Tax Reduction by Assuming the Cost of State Mandated Programs, Starting with Medicaid

WHEREAS, State 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 few 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 and rebate check program, and two separate temporary state matching grant programs for eligible local government shared services efforts; and

WHEREAS, for decades, counties and other local governments have implemented, and continue to implement, thousands of shared services projects and other government efficiencies; 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 taxes dozens of other state programs that, for the most part, counties in other states are not required to finance; and

WHEREAS, many of these state mandated programs are very comprehensive and generous compared to what other states provide and often are among the most expensive in the country in total dollars, as well as per beneficiary; and

WHEREAS, state-imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the state capitol so they can be used in lieu of state raised taxes to pay for statewide programs and initiatives; and

WHEREAS, state elected officials recognize that mandating local governments to finance state-designed and controlled programs directly impacts the property tax burden, and to help mitigate this 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 2 percent per year over the last decade, less than the rate of inflation over that time frame; and

WHEREAS, 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 lower them from today's levels; and

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

WHEREAS, the cost of 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 50 years, but not fully financed with state resources, therefore transferring a significant burden to local property taxpayers and contributing greatly to the disparity between property taxes in New York and other states; and

WHEREAS, Cornell University researchers have documented 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, we attribute the practice of using local revenues to subsidize statewide spending initiatives as the number one reason why New York's property taxes are the highest in the nation.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to focus on enacting a phased-in state takeover of the costs of its own mandated human services, starting with

Medicaid, that would provide immediate, permanent, and measurable county property tax reductions and lower tax rates for New York City residents; and

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

BE IT FURTHER RESOLVED, 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

**2018 NYSAC Fall Seminar
Monroe County, NY**

**Standing Committee on Transportation and Public
Works**

**Hon. Sandra Fusco (Putnam County) - Vice Chair
Hon. Dwight Fanton (Allegany County) - Vice Chair**

**2018 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #1**

**Resolution Urging State Action to Assure Effective Control of Wildlife
Populations at Airports**

WHEREAS, wildlife populations can pose a threat to aviation operations in and around airports and cause significant damage to aircraft, lengthy flight delays and threats to the safety of passengers and residents of surrounding communities; and

WHEREAS, airports employ best humane practices to keep wildlife populations at bay by erecting fences, building walls, constructing storm water ponds, using pulsating lights and other mechanisms; and

WHEREAS, despite these efforts, deer, birds, coyote and other wildlife still make their way onto runways, tarmacs and into flight paths; and

WHEREAS, according to FAA data, about 90 percent of bird strikes take place at or near airports, usually while taking off or landing, with 898 collisions between aircraft and white-tailed deer in the United States from 1990 to 2010; and

WHEREAS, wildlife strikes to U.S. civil aircraft cost about \$718 million in damage to aircraft and about 567,000 hours of civil aircraft down time annually, and result in injuries to pilots and passengers; and

WHEREAS, the NYS Department of Environmental Conservation (DEC) recognizes that wildlife population reduction is necessary at airports and other public facilities and issues permits to authorized persons to use certain firearms and techniques to remove from these aviation properties deer and other wildlife that pose a threat; and

WHEREAS, some previously permitted wildlife management methods are now no longer available with the potential for negative impacts on the safety of airport operations, making it more difficult for airports to effectively keep the runways and facilities clear of animal obstructions and interference and safe for aircraft, passengers, and airport communities.

NOW, THEREFORE, BE IT RESOLVED, that controlling wildlife populations around airports is critical to ensuring the safety of travelers, aircraft crews and surrounding neighborhoods; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties (NYSAC) supports state regulatory action and, if necessary, the enactment of legislation to reinstate the authorization and use of certain successful wildlife management techniques in a strictly controlled manner by government employees acting in an official capacity or persons acting pursuant to a permit to continue to effectively control wildlife populations at airports and surrounding areas; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #2**

**Resolution Urging Airport Capital Funding Programs Be Made Permanent
in the State Budget**

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, according to data from the New York State Department of Transportation and updated figures from the Port Authority of NY-NJ, the aviation industry contributes over \$72.3 billion in annual economic activity in New York State and more than 506,372 New York based jobs in aviation or aviation-related industries, generates \$25.8 billion in payroll and well over \$6 billion in state and local tax revenue annually; and

WHEREAS, in 2016 Governor Andrew Cuomo initiated a \$190 million state investment to revitalize New York State airports and subsequently enacted budgets have included funding for the Aviation Capital Grant Program that helps the state realize the full potential of its airports and aviation industries; and

WHEREAS, the Competition to Revitalize Upstate Airports has awarded six airports funding for projects that enhance safety, improve operations and access, reduce environmental impacts, create better passenger experiences and leverage private investments; and

WHEREAS, the Competition has now exhausted the available funding, leaving most other airports still in need of state assistance to update and expand their facilities and improve service; and

WHEREAS, the 2018-19 Executive Budget includes \$12.5 million for the Aviation Capital Grant Program for the next two years; a reduction of \$10 million per year from the 2016-17 and 2017-18 levels of \$22.5 million; and

WHEREAS, while this funding is welcomed and will be used for airport infrastructure and critical safety enhancements and business and economic development projects, creating and sustaining construction and aviation-related jobs, the reduced levels of state financial commitment is concerning and falls short of what is needed by the large

number of airports in New York that are owned by counties and other local governments; and

WHEREAS, New York has no dedicated revenue source or permanent state capital program for airports and must rely on annual appropriations in the state budget for funding critical airport projects.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) does hereby commend Governor Cuomo and the Legislature for the state's financial commitments to New York airports that will help fund critical airport infrastructure rehabilitation, improvement, and expansion projects; and

BE IT FURTHER RESOLVED, that NYSAC urges the Governor and the Legislature to provide increased, recurring, and reliable funding for the maintenance and development of all the state's airports through a robust Aviation Capital Grant Program and a reauthorization and new round of funding for the Competition to Revitalize Upstate Airports; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.

**2018 Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #3**

**Resolution Urging the Enactment of an Increase in the Statutory CHIPS
Bidding Threshold**

WHEREAS, regular incremental raises in the competitive bidding threshold for highway projects are necessary to compensate for increases in inflation impacting material, transportation, labor, equipment and other highway construction costs; and

WHEREAS, under current law, the local assistance funds allocated for local street or highway projects under the Consolidated Local Street and Highway Improvement Program (CHIPS) are used to undertake work on projects either with the municipality's own resources and work forces or by competitively-bid contracts; and

WHEREAS, when the estimate for the contract work exceeds \$250,000, the work must be performed by contract let by competitive bid in accordance with the provisions for competitive bidding in the General Municipal Law; and

WHEREAS, the last increase in the competitive bidding threshold was in 2011 to bring the threshold up from \$100,000 to the current \$250,000 level; and

WHEREAS, legislation has been introduced in both houses of the State Legislature to increase the amount of the current cost threshold from \$250,000 to \$500,000 over which local highway and bridge construction work under the CHIPS program must be contracted through a competitive bid; and

WHEREAS, under the legislation, projects which have construction contract work in excess of \$500,000 would continue to be subject to the mandatory competitive bid process.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports S.6928/A.8808 (2018) to enact an increase in the CHIPS bidding threshold to give municipalities flexibility and the option to bid out or perform in-house projects that cost less than \$500,000. This will allow more opportunities for local governments to act to minimize the cost of its transportation projects on behalf of local taxpayers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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 Legislature and all others deemed necessary and proper.

**2018 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #4**

**Resolution Urging the State to Increase Its Commitment to the
Consolidated Local Streets and Highway Improvement Program (CHIPS)
and Other Local Road, Bridge and Culvert Programs**

WHEREAS, funding from the Consolidated Local Streets and Highway Improvement Program (CHIPS) and state assistance to local governments through BRIDGE NY, PAVE NY and Extreme Winter Recovery (EWR) programs is helping counties to meet the overwhelming needs of the locally-owned transportation systems; and

WHEREAS, while this funding is most welcomed and already being put to good use, locally-owned roads and bridges account for 87 percent of the state's 110,000 miles of roadways and 50 percent of the state's 18,000 bridges, and counties still struggle to raise enough funding for the maintenance and replacement of this vast system of aging and ailing infrastructure; and

WHEREAS, CHIPS is the financial lifeblood of any local highway department, distributing vital and reoccurring state funding through a formula to every local government in the state, yet the current 2018-2019 State Budget holds the base level for CHIPS at \$438M for the sixth year in a row; and

WHEREAS, studies show that 48 percent of road pavements are rated fair or poor, and that increased funding is necessary to compensate for increases in inflation impacting material, transportation, labor, equipment and other highway construction costs; and

WHEREAS, New York State Comptroller Thomas P. DiNapoli reports that 20.7% of bridges in New York are functionally obsolete and 12.8% are structurally deficient and the cost to repair these bridges is \$27.4 billion dollars with local bridges more likely to be structurally deficient than state-owned bridges; and

WHEREAS, programs designed to direct state funding to local transportation infrastructure, such as CHIPS, PAVE NY, BRIDGE NY and EWR, must be continued and enhanced to improve the conditions of New York's local roads, bridges and culverts; and

WHEREAS, with the state's promise of MTA-NYSDOT capital plan parity and the commitments of hundreds of millions of additional dollars to address the critical needs of the NYC transit systems, there is the expectation for a comparable increase in funding to address the unmet needs of other state and local transportation infrastructure; and

WHEREAS, a safe and efficient statewide integrated transportation system is necessary for trade, economic development and revitalization, job creation and

retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) commends Governor Cuomo and the New York State Legislature for their support of programs that provide direct state investments in local roads, bridges and culverts and urges that the state assistance to local highway departments continues, and appropriated at substantially increased levels in the 2019-2020 state budget; and

BE IT FURTHER RESOLVED, that our state elected officials continue to partner with local governments to champion an increase in CHIPS funding and continue to fully fund PAVE NY and a new round of BRIDGE NY, thus building upon programs that provide a fair distribution of funds to municipalities throughout the state and maximize flexibility for local highway departments to direct this funding to priority maintenance, pavement preservation, and bridge and culvert rehabilitation projects where it is needed most; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 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.