



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2019 NYSAC Legislative Conference Resolutions

**Albany County, New York
January 28-30, 2019**

Charles H. Nesbitt, President

Stephen J. Acquario, Executive Director

2019 NYSAC Legislative Conference Resolutions

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NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2019 NYSAC Legislative Conference
Albany County, New York**

NYSAC Board of Directors

**Charles H. Nesbitt, Jr. NYSAC President, Orleans County
Stephen J. Acquario, NYSAC Executive Director**

**2019 NYSAC Legislative Conference
NYSAC Board of Directors
Resolution #1**

Resolution Calling on President Trump and Congress to Pass a Full Year of Appropriations to Avert Another Federal Government Shutdown

WHEREAS, an historic thirty-five-day partial federal government shutdown negatively affected the hardworking men and women that play a critical role in providing essential services to our communities and keeping them safe;

WHEREAS, 14,000 members of the federal workforce in New York State worked for departments affected by the partial shutdown, including Agriculture, Justice, and Treasury; and

WHEREAS, downstate was acutely affected because more than half of the 116,000 federal workers in New York State are concentrated in New York City's five boroughs and Nassau and Suffolk counties; and

WHEREAS, employees who did show up to work in many cases worked longer hours and additional days, while others even performed side jobs to maintain a source of income; and

WHEREAS, 2.7 million New Yorkers that depend on Supplemental Nutrition Assistance Program (SNAP) benefits received their February benefits early because of the shutdown and now may run out of food before the end of March; and

WHEREAS, the shutdown resulted in the suspension of more than 1,000 contracts between the U.S. Department of Housing and Urban Development (HUD) and landlords who rent to the poor, affecting nearly 85,000 low-income households nationwide; and

WHEREAS, National Parks reduced staffing and limited access to facilities; and

WHEREAS, federal loans that millions of college and university students rely on were delayed, leaving many unable to pay their tuition; and

WHEREAS, the shutdown resulted in billions in lost economic activity; and

WHEREAS, the Environmental Protection Agency (EPA) and Federal Drug Administration (FDA) reduced inspections of hazardous sites and food products, respectively; and

WHEREAS, many federal cases were postponed because of the shutdown, denying Americans access to timely and just court proceedings; and

WHEREAS, there was an increase in the number of air Transportation Security Administration (TSA) workers and air traffic controllers calling in absent and working extra shifts without pay, jeopardizing the safety of travelers and causing delays; and

WHEREAS, local jails that house federal inmates across the country scrambled to pay their bills because they rely on money from federal agencies to house these inmates and those checks stopped flowing; and

WHEREAS, Federal Bureau of Investigation (FBI) agents postponed indictments and undercover operations, put off meeting with informants, delayed interviews with child sexual-assault victims, cancelled trainings with state and local law enforcement agencies, and suspended payments for investigation collaborations with local law enforcement; and

WHEREAS, the President and Congress should never let politics put the safety of the American people in jeopardy; and

WHEREAS, on January 25, 2019, President Donald J. Trump announced a deal to temporarily reopen the government.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the President and Congress to come to a lasting resolution and pass a full year of appropriations to avert another government shutdown; and

BE IT FURTHER RESOLVED, that the federal government hold counties harmless for funding lost during the shutdown; 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 the President, the New York State Congressional delegation, and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
NYSAC Board of Directors
Resolution #2**

**Resolution Urging New York State to Fund the Purchase Electronic Poll
Books for County Boards of Elections**

WHEREAS, counties, through local Boards of Elections, are responsible for managing election operations, and paying for all or most of the costs of these operations; and

WHEREAS, in January, State Lawmakers have passed and the Governor has signed into law series of voting reforms to the New York State Election Law; and

WHEREAS, these reforms include early voting, voter registration transfers, same day voter registrations, and pre-registering 16 and 17 year olds to vote;

WHEREAS, implementing these reforms will require counties to purchase and use electronic polling books, estimated to cost up to \$1 million per county; and

WHEREAS, despite their desire to improve voter turnout, state leaders have not invested in our voting system infrastructure in more than a decade.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the New York State Legislature to fund the electronic poll books that counties will have to purchase to effectively implement many of the state's new voting reforms;

BE IT FURTHER RESOLVED, that the state fund the costs associated with the new reforms of which include equipment, education and training for poll workers; 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.

**2019 NYSAC Legislative Conference
NYSAC Board of Directors
Resolution #3**

**Resolution Urging the Governor and Legislature to Reform the Formula for
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 this year the state reduced community college base aid by \$11.6 million; and

WHEREAS, the State University of New York has proposed a new funding formula that requires the state to adhere to a maintenance of effort for funding community colleges, which will prohibit cuts to base aid and institute a funding “floor” for each campus; and

WHEREAS, the SUNY plan also calls for the increase of state funding for full time equivalent (FTE) students by \$125, from \$2,847 to \$2,972 per student;

WHEREAS, these proposals are supported by the associations representing the community college presidents and community college faculty.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to adopt the State University of New York’s proposed new formula for funding the state share of community colleges; 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

**2019 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Agriculture & Rural
Affairs**

Hon. A. Douglas Berwanger (Wyoming County) – Chair

Hon. Terry Wilbur (Oswego County) – Vice Chair

Hon. Paul Ruszkiewicz (Orange County) – Vice Chair

**2019 NYSAC Legislative Conference
Standing Committee on Agriculture & Rural Affairs
Resolution #1**

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

WHEREAS, the agriculture sector, including farms and related food systems, remains a top contributor to the New York State economy, providing critical jobs, revenues and food for our state and beyond; and

WHEREAS, the enacted 2018/19 budget allocated \$18 million to farmland protection and \$34.4 million to agriculture local assistance programs; and

WHEREAS, the Governor's 2019/20 proposed budget, allocated \$17 million to farmland preservation and \$29.5 million to agriculture local assistance programs; and

WHEREAS, New York's farmland protection and agriculture assistance programs help sustain this vital industry and must be sustained in future years; and

WHEREAS, more than 30 percent of New York State farmers, who cultivate two million acres of land, are 65 years of age or older; and

WHEREAS, research shows that over 90 percent of these senior farmers do not have a young farmer working alongside them to help manage their business; and

WHEREAS, farmland in transition is most vulnerable to being sold out of farming; and

WHEREAS, access to affordable land suitable for starting a new farm operation is the number one barrier for new and beginning farmers; and

WHEREAS, there were 30 percent fewer young farmers in New York in 2012 than in 2002; and

WHEREAS, farmland protection is an important contributor to successful farmland transition and affordable farmland access.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and New York State Legislature to continue New York's commitment to local farms and the agricultural sector by maintaining funding for farmland protection from the State Environmental Protection Fund at \$18 million and agriculture local assistance programs at \$34.4 million in the FY 2019/20 budget; 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 Commissioner of Agriculture and Markets, and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
NYSAC Standing Committee on Agriculture & Rural Affairs
Resolution #2**

**A Resolution to Increase State Support for Cornell Cooperative Extension
County Associations in the State of New York**

WHEREAS, Cornell Cooperative Extension is a formal collaboration between the National Institute of Food and Agriculture at USDA, New York State, County Governments and the Citizens of the 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 extension 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 the 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 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, that the New York State Association of Counties (NYSAC) supports increasing the State appropriation for Cornell Cooperative Extension associations to \$8 million, 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 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

**2019 NYSAC Legislative Conference
Albany County, NY**

**Standing Committee on Children with
Special Needs Resolutions**

**Lisa Chester (Niagara County) – Chair
Elizabeth O’Neil (Albany County) – Vice Chair
Rita Wood (Ulster County) – Vice Chair**

**NYSAC 2019 Legislative Conference
Standing Committee on Children with Special Needs
Resolution #1**

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

WHEREAS, previous reforms to the Early Intervention Program, including the establishment of the statewide fiscal agent, have provided administrative and contracting efficiencies, but this initiative is still in need of important refinements to address significant provider capacity shortfalls that have occurred in many communities since the transition to State administered provider agreements in April 2013; and

WHEREAS, provider costs continue to escalate while the rates for reimbursement have not been changed or increased in over twenty years; and

WHEREAS, counties are responsible for ensuring that services developed in an Individualized Family Service Plan (IFSP) begin in a timely fashion, namely thirty (30) days from the date of the authorization; and

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

WHEREAS, counties cannot accurately identify available providers due to the inadequacy of the NYEIS system such as untimely updates and regular maintenance; and

WHEREAS, providers listed in the NYEIS database are frequently unavailable to provide services to a child due to a variety of factors, including the area in which the child resides, providers only accepting referrals for one or two children enrolled in the Early Intervention Program (EIP) due to other commitments, full caseloads, or outdated listings for providers who no longer participate with the Early Intervention Program; and

WHEREAS, some providers left the Early Intervention Program due to implementation and payment delays related to the rollout of the statewide fiscal agent model, while others left the Early Intervention Program due to stagnant reimbursement rates; and

WHEREAS, because of the decline of participating and available providers, resulting in counties not being able to provide the Early Intervention services required under the law, even to already enrolled eligible children, sometimes leading to placement on wait lists; and

WHEREAS, research demonstrates that the growth and brain development of infants and toddlers is at its highest in years 0-2, and the developmental progress of children identified with special needs could be hampered by any delays in services.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls upon the Governor and New York State Legislature to implement reforms to the Early Intervention Program that hold the State responsible for ensuring there is sufficient provider capacity across the state to serve identified children in all types of early intervention services; and

BE IT FURTHER RESOLVED, these state responsibilities should include the implementation of a robust recruiting effort, focused orientation and training for new and existing providers, mentoring, and technical assistance to help providers operate efficiently and effectively in the new administrative model; and

BE IT FURTHER RESOLVED, the state shall work with county representation to develop incentive programs to address provider capacity in hard to recruit areas such as but not limited to travel reimbursement and partial reimbursement for no-shows; and

BE IT FURTHER RESOLVED, the Executive Budget proposal should include a 5% rate increase for all Early Intervention providers and all services; and

BE IT FURTHER RESOLVED, that the state should cap county costs, ensuring that the counties are held harmless by any increase in provider rates; 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, 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.

NYSAC 2019 Legislative Conference
Standing Committee on Children with Special Needs
Resolution #2

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

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

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

WHEREAS, a gubernatorial statewide Task Force on Reforming Preschool Special Education determined that counties should be removed completely from financing the State's preschool special education program; and

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

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

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

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

BE IT FURTHER RESOLVED, the first phase should include capping county fiscal liability for preschool special education and then implementing a three-year plan to incrementally reduce the county fiscal liability for this program to no more than 25 percent as intended at the inception of the program to help reduce pressure on property taxes; and

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

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

**NYSAC 2019 Legislative Conference
Standing Committee on Children with Special Needs
Resolution #3**

Resolution Urging the Governor and State Legislature to Eliminate the County Fiscal Cap on Preschool Special Education Transportation Costs and to Incentivize the Use of Existing Bus Fleets and Transportation Systems

WHEREAS, the county cost of transporting preschool special education students is significant and counties cannot recoup all of these costs due to state-imposed transportation reimbursement caps and stringent Medicaid interpretation for reimbursement; and

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

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

WHEREAS, school districts make decisions on programs for children, including travel to these programs, with limited input from the counties; and

WHEREAS, school districts already have infrastructure in place to transport school-age children, including children transported outside their own districts; and

WHEREAS, the safety of children, specifically children with special needs, is a priority.

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

BE IT FURTHER RESOLVED, that the State needs to provide incentives that will help increase the utilization of existing school bus fleets and other transportation systems so that preschool special education is more cost effective for the State and the counties; 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, 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2019 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Economic
Development, Environmental Conservation,
& Energy**

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

**2019 NYSAC Legislative Conference
Standing Committee on Economic Development, Environmental
Conservation, & Energy
Resolution #1**

**Resolution Requesting State Action to Place a Moratorium on the Value of
Distributed Energy Resources Policy & Reestablish Net Energy Metering**

WHEREAS, New York State has established a mandate to get 50 percent of electricity in the State from renewable sources by 2030; and

WHEREAS, New York State is making solar energy more accessible to homes, businesses, and communities through the \$1 billion NY-Sun initiative, which is designed to build a self-sustaining solar industry in New York and help achieve strategic energy goals under the State’s Reforming the Energy Vision (REV) strategy; and

WHEREAS, in 2015 Governor Cuomo announced the launch of the State’s community solar policy, which aims to expand access to renewable energy for millions of New Yorkers, unleash new investment and ensure that “all New Yorkers, regardless of their zip code or income, have the opportunity to access clean and affordable power;” and

WHEREAS, many counties are interested in developing their solar resources under the auspices of the State’s community solar policy; and

WHEREAS, the New York State Public Service Commission recently implemented a transition from simple but effective retail rate net-metering to a rate structure for solar and other distributed generation based the value those technologies bring to the grid and our society; and

WHEREAS, the development of this new tariff known as the Value of Distributed Energy Resources or “VDER” was the result of a flawed process that did not allow for the use of satisfactory methodology and data that accounts for the complete range of values of solar energy and other distributed generation to be included; and

WHEREAS, the implementation of VDER has reduced confidence, stability, and growth of the state’s nascent community solar market, particularly in many counties in the upstate regions of the State; and

WHEREAS, legislation was introduced in the last session of the State Assembly (A.10474) and State Senate (S.8273) that would have placed a moratorium on the implementation of the VDER tariff and directed the New York Public Service Commission to develop a simple, full and fair successor tariff to VDER; and

WHEREAS, the State Assembly passed A.10474 by a vote of 122-17 but the Senate legislation did not receive a vote in the last session; and

WHEREAS, the loss of these community solar projects will impede the ability of counties to meet their clean energy goals and result in the loss of thousands of jobs and hundreds of millions of dollars of investment.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby calls on the Governor, the Legislature, and any relevant executive departments to provide immediate relief to developers and customers of solar energy and other distributed energy resources by placing a moratorium on VDER and allowing for the use of net energy metering tariffs as previously allowed by law; and

BE IT FURTHER RESOLVED, NYSAC requests New York State to re-evaluate current net metering laws, policies, and administrative interpretations and to create a reasonable timeline and approach for the successor tariff that includes all important value components but also avoids a pace that could result in insufficient methodology or data being adopted, avoids setting negative precedent for future processes, and ensures that financiers have enough time to become comfortable with its elements and thus not threaten the ability of solar developers to finance projects; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Public Service Commission, the New York State Energy Research Development Authority, and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
Standing Committee on Economic Development, Environmental
Conservation, & Energy
Resolution #2**

Resolution Requesting State Action to Promote Recycling

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

WHEREAS, many counties operate solid waste transfer stations 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, but China the largest 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 municipal cost to dispose of recycled materials, including electronic waste, to increase to the point of exceeding and now approaching the tipping fees for regular trash; 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 tipping fees and other costs associated with recycling often has detrimental environmental effects such as “dumping” on both private and public lands; and

WHEREAS, the New York State Electronic Recycling and Reuse Act was intended to remove the burden and expense of managing costly electronic waste acceptance programs from municipalities and introduce a producer responsibility approach to managing this expanding waste stream; however, the Act has not had the desired effect.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby supports recycling and encourages the protection, promotion, and preservation of the ability to effectively recycle; and

BE IT FURTHER RESOLVED, that NYSAC requests that New York State provide fiscal and technical assistance to local governments who are affected China’s restrictive purchasing policy, so citizens can be better educated; 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 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

**2019 NYSAC Legislative Conference
Albany County, NY**

**Standing Committee on Intergovernmental
Affairs**

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

**2019 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #1**

Resolution Urging New York State to Fund all Costs Associated with New State-Enacted Voting Reforms Implemented at the County Level

WHEREAS, New York State has some of the lowest voter turnout rates in the nation; and

WHEREAS, State Lawmakers have passed and the Governor has enacted a series of reforms to state election law and the voting process, including early voting, consolidating the federal and state primary dates, voter registration transfers, and same day voter registrations; and

WHEREAS, counties, through local Boards of Elections, are responsible for managing election operations, and paying for all or most of the costs of these operations; and

WHEREAS, the State's new early voting law requires counties to open polling sites for early voting for 10 days prior to any primary or general election, starting during the 2019 general election; and

WHEREAS, another state proposal would allow for same day voter registration, which would enable voting-age residents to register to vote and vote on election day, and

WHEREAS, these reforms will likely require counties to purchase and use electronic polling books, and make other investments in their election systems.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo, and the New York State Legislature to create a task force of state and local officials to determine the costs associated with implementing these voting reforms;

BE IT FURTHER RESOLVED, that the state fund the costs associated with the new reforms; 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.

**2019 NYSAC Legislative Conference
Standing Committee on Intergovernmental Affairs
Resolution #2**

Resolution Supporting Efforts to Allocate New York State Resources and Funding to Regions or Counties Establishing “Full Count” Committees

WHEREAS, the US Census Bureau is preparing for the 2020 decennial census; and

WHEREAS, decennial census counts help the federal government distribute more than \$400 billion in funds annually for infrastructure, programs, and services; and

WHEREAS, the decennial census helps communities plan for future needs and deal with population-based programs; and

WHEREAS, decennial population counts affect state and federal congressional representation and redistricting; and

WHEREAS, New York State and county governments are committed to ensuring that every resident in the state is counted in the 2020 Census; and

WHEREAS, last year, every county in New York State participated in the Local Update of Census Addresses Program (LUCA), which is the only opportunity for states and municipalities to review and comment on the U.S. Census Bureau’s residential address list for their jurisdiction prior to the 2020 Census; and

WHEREAS, now the State of New York is encouraging counties and other regional and community entities to create “Full Count” committees.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) encourages New York State to provide resources and funding to counties, municipalities, and regional planning commissions as incentives and seed funding to create “Full Count” committees; and

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

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

**Standing Committee on Intergovernmental Affairs
2019 NYSAC Legislative Conference
Resolution #3**

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

WHEREAS, New York County Clerks play an historic and important role as public servants. Along with the Sheriff and District Attorney, they are one of three county officials named in the State Constitution; and

WHEREAS, over 240 years later, the role of the county clerk as the chief record and filing officer for the county have remained consistent, but their duties have grown much more complex with changes in population, technology, and the state's laws, policies and regulations; and

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

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

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to residents or taxpayers and will provide counties with revenue to support necessary local government services; and

WHEREAS, it is unfair when a county DMV provides all DMV services for our residents, including overhead and staffing, yet the State takes 87.3 percent of the revenue generated from these services.

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 increase the county DMV revenue share; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State and encourage them 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

2019 NYSAC Legislative Conference Albany County, New York

Standing Committee on Medicaid and Human Services

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

**2019 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #1**

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 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.

**2019 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #2**

Resolution Urging New York State to Renew Its Commitment to Prevent and Protect Children from Abuse and Neglect by Restoring State Share Funding Levels to 65 Percent Under the Existing Open-Ended Child Welfare Financing Mechanism

WHEREAS, the current 62 percent /38 percent preventive, protective, adoption funding stream reflects a reduction in the State's financial commitment to the well-being of children; and

WHEREAS, the reduction of State funding for these Child Welfare programs has made it more difficult and costly for counties to provide services designed to keep children safe and to provide them with permanent homes and reduced stays in foster care; and

WHEREAS, New York counties and New York City investigated over 183,000 reports and cared for 16,211 children in the foster care system (2016 KidsCount data); and

WHEREAS, the safety and welfare of children should remain the State's highest priority; and

WHEREAS, the prior uncapped child welfare funding stream at 65 percent state share provided counties with critical fiscal support allowing for the development of innovative community-based programs that led to a dramatic reduction in the number of children in the foster care system; and

WHEREAS, the gradual, but steady, pullback in State funding support for a variety of human services programs including child welfare, adoption subsidies, food stamp administration, Family Assistance, Safety Net, youth detention and treatment, creates an environment in which the State is directly moving away from its constitutional requirement to care for the needy, effectively forcing this State constitutional responsibility on county government and local property taxpayers; and

WHEREAS, New York State enacted a two percent property tax cap which further exacerbates local budget pressures while additional costs are shifted from the state to counties for state mandated programs; and

WHEREAS, the Governor has indicated his desire to make the property tax cap permanent in 2019 with no indication additional state funding will be provided for child welfare, nor the restoration of prior state budget cuts.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) firmly believes the State should renew its commitment to the well-being of children by gradually restoring current funding levels to 65 percent state share,

to be matched with a 35 percent local share, under the existing open-ended child welfare financing mechanism; 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 others deemed necessary and proper.

**2019 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #3**

**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 as well as active outreach 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 districts 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 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, Office of Mental Health, Office of Alcohol and Substance Abuse Services, the NYS Legislature, and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #4**

**Resolution Calling on the Governor and State Legislature to Continue to
Work with Counties to Encourage Self Sufficiency and Long-Term
Independence for Recipients of Temporary Assistance**

WHEREAS, Temporary Assistance for Needy Families and the Safety Net Program are federal- and state-designed programs administered by counties and New York City as a state-supervised, locally administered system and serve as a last line of services and support for low income families and individuals in the State of New York; and

WHEREAS, New York State continues to devolve away from their historic and constitutional responsibilities of providing social services and support for low income families and individuals, as demonstrated through significant reductions in State funding for Family Assistance and Safety Net Assistance programs and administrative costs; and

WHEREAS, the Governor's 2019-20 Budget includes new costs to New York City requiring them to pay a 10 percent share of the costs for their Family Assistance program with an expected cost of \$72 million on a full annual basis according to state estimates; and

WHEREAS, targeting one social services district for higher costs is unacceptable and could be a precursor to expanded cost shifts statewide; and

WHEREAS, the current strong economy and low unemployment provide significant opportunities for recipients to connect with employment and gain valuable work skills that can lead to self-sufficiency and family independence; and

WHEREAS, local Departments of Social Services have demonstrated significant success in achieving self-sufficiency when program resources are dedicated to employment and supporting the needs of individuals and families as they return, or connect, to the workforce.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to prioritize employment as a key to achieving self-sufficiency and long-term independence for residents receiving Family Assistance and Safety Net Assistance; and

BE IT FURTHER RESOLVED, the counties of New York are calling on the Governor and State Legislature to recognize that effective public assistance policies are grounded in accountability, integrity and supporting the needs of recipients in entering the workforce; and

BE IT FURTHER RESOLVED, the counties of New York are calling on the Governor and State Legislature to limit new legislation and regulations that limit accountability for recipients in gaining employment, self-sufficiency and long-term independence from public assistance as we believe this can ultimately hinder the success of these recipients in achieving self-sufficiency; and

BE IT FURTHER RESOLVED, the counties of New York are calling on the Governor and State Legislature to reverse the devolution of the State's fiscal support for public assistance programs and administration, and begin to restore state supported administrative costs to counties in order to maximize effective and efficient management of state programs and to help ensure the joint state and local goal of achieving long term independence from public assistance for families and individuals is attainable; 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 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

**2019 NYSAC Legislative Conference
Albany 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**

**2019 NYSAC Legislative Conference
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 their operations to four states (Nevada, Oregon, Delaware, and Montana); and

WHEREAS, now all 50 states may allow for and regulate sports gambling; and

WHEREAS, to date eight (8) states have passed legislation that allows for full-scale sports wagering, with dozens more considering passing this legislation; 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; 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 public 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 realignment of gaming spending throughout the State; and

WHEREAS, without future state legislative and regulatory changes, only commercial and Native American casinos 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 regulation is passed 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2019 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Public Health/
Mental Health**

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

**2019 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #1**

Resolution for New York State to Approach Legalization of an Adult-Use Program for Recreational Marijuana Slowly and Cautiously, Keeping Research and the Anticipated Role of Local Health/Mental Health Departments in the Forefront of Conversation as Policy and Regulations are Developed

WHEREAS, the State of New York is considering legalizing an adult-use program for recreational cannabis; and

WHEREAS, currently available research and findings from across the nation identify significant public health ramifications including:

- Increased risk of unintentional exposures in children, including through edibles;
- Measurable levels of tetrahydrocannabinol in breast milk samples up to 6 days after reported maternal marijuana use;
- Increased risk of stroke in individuals younger than 55 years of age;
- Increased risk of motor vehicle crashes;
- Use associated with chronic bronchitis, cough, sputum production and wheezing;
- Use associated with impaired learning, memory, math and reading achievement; and

WHEREAS, there is limited research demonstrating health impact on long-term use of marijuana; and

WHEREAS, local health departments, treatment providers, law enforcement and others are working to curb opioid addiction, overdose and death; and

WHEREAS, marijuana use by adolescents and young adults- even less-than-weekly use- is associated with future high-risk use of tobacco, and other drugs like cocaine, ecstasy, opioids and methamphetamine; and epidemiologic and preclinical data suggest that the use of marijuana in adolescence could influence multiple addictive behaviors in adulthood; and

WHEREAS, during the Governor's listening sessions on regulated marijuana, community members and stakeholders communicated the need for improved access and cost to medical marijuana products for those prescribed; and

WHEREAS, New York State has one of the worst racial disparities in marijuana arrests in the United States, with people of color being eight times more likely to be arrested for possession than white people, despite similar rates of use; and

WHEREAS, there are possible linkages between legalization of marijuana with the advancement of social and racial justice initiatives and there is no question, families

would benefit from alleviation of marijuana-related arrests and jail time that has disproportionately affected low income and communities of color; and

WHEREAS, if policy on regulated marijuana moves forward, this will increase workload for the already taxed public health workforce and numerous other county departments; and

WHEREAS, we anticipate local health departments, who are reliably at the front line of all emerging public health matters, will need to expand workforce capacity to educate and protect communities if regulated marijuana policy is signed into law.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties hereby calls upon Governor Andrew M. Cuomo and the State Legislature to undertake a major publicity campaign to educate the citizens of New York that cannabis may have undetermined health effects; and

BE IT FURTHER RESOLVED, local health departments must be provided additional funding to adequately address issues resulting from recreational cannabis impacting local public health programs, as well as to develop and disseminate targeted educational campaign messaging which will protect vulnerable populations including children and pregnant women from harmful effects of marijuana use; and

BE IT FURTHER RESOLVED, the State of New York will expand, improve and maintain separate independence of the Medical Marijuana program by establishing clinical trials, research programs and addressing barriers to access including cost; and

BE IT FURTHER RESOLVED, if the State of New York plans to legalize an adult use marijuana program, we recommend the legal age of sale to be set at 21 years of age in combination with adoption of Tobacco 21 policy at the state-level; and

BE IT FURTHER RESOLVED, full service (those providing environmental health services) local health departments must be adequately funded to expand their New York Adolescent Tobacco Use Prevention Act (ATUPA) services which currently covers children and adolescents up to 18 years of age. A legal age of sale set to 21 years and older for marijuana and tobacco products would require program expansion and increase in staff to mitigate harm reduction and injury prevention; and

BE IT FURTHER RESOLVED, marijuana should be incorporated within New York's Clean Indoor Air Act Law. Legalization of recreational marijuana will increase the number of clean indoor air act complaints local health departments are required to respond to, thus requiring a need for increased funding for infrastructure and capacity-building within local health departments which will allow them to respond to additional workload; and

BE IT FURTHER RESOLVED, as regulations are developed, the following recommendations be considered:

- a. Fund surveillance and research efforts to monitor more closely the type of use, frequency of use and potency of marijuana used by all New Yorkers.
- b. Put infrastructure in place before sales begin. Regulations and rules, appropriate testing of infrastructure and critical staff onboarding should be finalized prior to beginning of sales.
- c. Addition of marijuana to New York's Clean Indoor Air Act which will ensure children, youth and other vulnerable populations are not exposed to marijuana use or second hand smoke.
- d. Expand existing tobacco laws including statewide adoption of Tobacco 21 policy.
- e. Include warning labels on all marijuana products to ensure consumer awareness of health dangers and risk.
- f. Formulate edible safety regulations including child-resistant packaging and restrictions on products which may be enticing to children.
- g. Fully fund enforcement and oversight. Enforcement regulations related to restaurant and environmental inspections must mirror inflation and industry growth.
- h. Standardize and test packaging and potency. THC concentration regulations, particularly those relating to packaging, labeling and testing, must be in place before implementation.
- i. Establish and fund studies to evaluate reliable methods of toxicology field-testing and impairment levels which will help set evidence-based regulations for impaired driving as it pertains to marijuana use.
- j. Encourage and fund the scientific study of health effects among New Yorkers who use marijuana; and
- k. Develop regulations to ensure the safety of additives used in the growth, harvesting, and production of marijuana; and
- l. Fund education, prevention and treatment through the county mental health departments.

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

**2019 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #2**

**Resolution to Expand Infrastructure for Public Health and Safety
throughout New York State: Reinvesting in Core Public Health Activities
and Response to Unfunded Mandates and 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 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, unfunded public health mandates continue to emerge routinely, examples including: expansion of responsibilities for children's camps, Zika virus/mosquito surveillance, monitoring of unregulated contaminants in drinking water, technical assistance to schools to address lead in school drinking water and most recently, registration of cooling towers; and

WHEREAS, the state aid share for core public health services has not kept up with growing public health needs, nor has it supported the implementation of new and expanded state mandates; and

WHEREAS, the 2019-2020 Executive Budget proposes a substantial cut in State Aid Reimbursement to New York City Department of Health and Mental Hygiene which would reduce the percent of reimbursement above the base grant from 36% to 20%; and

WHEREAS, the justification provided for this is that NYC has access to other sources of funding, such as federal grants yet this statement does not align with the current Article 6 claiming process which requires that earned and grant revenue be subtracted from eligible costs and or expenditures and thus are already factored into the net eligible expenditures submitted for reimbursement; 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 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 has been reduced year after year and new funding streams for emergency response activities are frequently accompanied with 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 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 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, that the New York State Association of Counties calls on the Governor and State Legislature to call to action and reinvest within the 2019-20 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. REJECT PROPOSED CUT IN STATE AID REIMBURSEMENT TO NYC DEPARTMENT OF HEALTH AND MENTAL HYGIENE WHICH WOULD REDUCE THE PERCENT OF REIMBURSEMENT ABOVE THE BASE GRANT FROM 36% TO 20%.

2. FULLY RESTORE THE COLA FOR DOH PROGRAMS WHICH WAS REMOVED IN THE 2018-2019 STATE BUDGET;
3. ALLOW REIMBURSEMENT OF FRINGE EXPENSES UNDER ARTICLE 6 STATE AID APPROPRIATION;
4. 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%.
5. PROVIDE 100% REIMBURSEMENT FOR THE FIRST FULL YEAR OF ANY NEW AND/OR SIGNIFICANTLY EXPANDED MANDATES EMERGING FROM LAW, RULE OR REGULATION.
6. 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 encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that 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.

**2019 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #3**

Resolution Calling on the Office of Mental Health, Office of Alcoholism and Substance Abuse Services, and the Governor to Ensure Long Term Viability of Housing Programs for Individuals with Serious Mental Illness and Substance Use Disorder

WHEREAS, safe and affordable housing with supports is an essential component of recovery for many people with serious mental illness and substance use disorders; and

WHEREAS, Mental Hygiene housing program models were developed decades ago with much lower level requirements for types of services and levels of staffing than what is necessary to assist clients with much higher-needs today; and

WHEREAS, Supported & Supportive housing models are expected and required to serve the clients with the highest and most challenging needs, manage the health and mental health for many clients with a co-occurring substance use disorder, and manage complicated medication regimens to treat their behavioral and other co-morbid chronic conditions such as heart disease, diabetes, high blood pressure, high cholesterol and pulmonary disease; and

WHEREAS, Directors of Community Services throughout the State report significant waiting lists for mental health and addiction recovery housing and it is becoming increasingly more difficult to find units that offer both higher level services and the appropriate staffing to safely serve these medically-complex individuals; and

WHEREAS, it is critical that State policymakers recognize how maintaining outdated housing models and reimbursements for these higher-need clients negatively impacts a county's ability to provide appropriate access to care and drives up costs; and

WHEREAS, to illustrate the extent of these waiting lists, Suffolk County has approximately 589 clients (131 homeless), Sullivan County with over 200 (110 homeless), Orange County with over 800, and in the Finger Lakes – Seneca County with 97; and

WHEREAS, the State has a constitutional responsibility to provide stable, dignified, and affordable housing to these high-needs clients, and by continuing to provide insufficient reimbursement rates and inadequate funding, the counties will see further reductions in capacity and limited access to care leading to increased homelessness in their communities; and

WHEREAS, Office of Mental Health (OMH) Supported Housing was introduced in 1990 as an initiative to facilitate an increase in long-term/permanent housing options for clients with mental illness coupled with individual supports; and

WHEREAS, there are approximately 19,000 OMH Supported Housing units statewide with per-unit reimbursement rates that provide for a minimal set of services, often as little as one staff to tenant contact per month which does not go far enough in providing stability for clients with extensive mental and physical health care needs; and

WHEREAS, OMH and OASAS Supportive Housing provides permanent and affordable housing with supportive services to individuals or families with disabilities (mental illness, SUD, domestic violence, etc.) who are homeless or at risk of homelessness; and

WHEREAS, these settings are typically comprised of two models; congregate and scattered-site with approximately 50,000 units statewide, 32,000 of which are located in NYC; and

WHEREAS, New York City Department of Health and Mental Hygiene currently contracts for 8,699 units of supportive housing for individuals and families; and

WHEREAS, on average over 80% of the total annual funding for scattered site apartments (\$29,897,960) is being used for apartment rents; and

WHEREAS, being obligated to devote such a proportion of funding to apartment rents degrades the necessary social services to keep vulnerable clients housed with appropriate supports; and

WHEREAS, vital supportive housing programs need the State to increase rates to address this immediate need that is getting worse every year and becoming untenable; and

WHEREAS, without a funding increase, programs are at serious risk of closure, which will push clients into homelessness and higher risks of mental and physical health destabilization; and

WHEREAS, the State offers Permanent Supportive Housing (PSH) models for individuals suffering from addiction that include: Medicaid Re-Design PSH, NY/NY III PSH (NYC), Re-Entry for Parolees in NYC PSH, Upstate PSH, Empire State Supportive Housing Initiative (ESSHI), and Continuum of Care Case Management – all with varied admission requirements ranging from jurisdictional mandates to homelessness; and

WHEREAS, the Upstate PSH currently supports only 124 units (outside NYC and Long Island) and does not address the current need; and

WHEREAS, the State's ESSHI program provides operational and service funding for housing developers/providers interested in developing new or rehabbed properties, and offers a payment structure resembling the actual cost of operating programs with a payment escalator; and

WHEREAS, the goal of OMH and OASAS housing programs is to assist and support participants in their achievement for housing stability, employment and self-sufficiency which requires substantial State investments to housing programs to meet the needs in every county; and

WHEREAS, without appropriate State investments, these achievements will be unobtainable for a vast majority of individuals, resulting in increased costs of hospitalization, incarceration and homelessness.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor, Office of Mental Health, and Office of Alcoholism and Substance Abuse Services to include funding in the 2019-20 Executive Budget to adequately maintain the current levels of housing programs across the state, and include additional appropriations for the expansion or creation of new housing program models that will fit the needs of every county; 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, the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the State Office of Mental Health, the State Office of Alcoholism and Substance Abuse Services and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #4**

Proposed Resolution Calling on the Office of Alcoholism and Substance Abuse Services and the Governor to Establish Permanent Jail-Based Substance Use Disorders (SUD) Treatment and Transition Services Program in 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 SFY 2018-19 Enacted Budget included \$3.75M to fund County Mental Hygiene /Departments Local Government Units (LGUs) to develop and expand substance use disorder treatment and transition services in county jails; and

WHEREAS, The NYS Association of Counties, Conference of Local Mental Hygiene Directors, NYS Sheriffs' Association and are pleased with and appreciate the Governor's support for the continuation of programs established under last year's funding by including an additional \$3.75M in the SFY 2019-20 Executive Budget proposal; and

WHEREAS, this is a significant first step in addressing the need, however this level of funding will not adequately sustain or create any additional programs in counties beyond March 31, 2019; and

WHEREAS, The NYS Association of Counties and its partners are requesting a total of \$7.2M in SFY 2019-20, increasing to \$12.8M in SFY 2020-21 annually thereafter to support comprehensive jail-based substance use disorder treatment and post-release transition service in all county correctional facilities; and

WHEREAS, a 2017 report entitled, "Completing the Recovery Treatment Continuum: Jail Based Substance Use Disorder Services" conducted by Policy Research Associates on behalf of the NYS Conference of Local Mental Hygiene Directors discusses the vital need to address a gap in the Substance Use Disorder (SUD) treatment continuum by funding treatment and transition services in the jail setting; and

WHEREAS, jail incarceration provides a unique opportunity to offer treatment supports during periods when people are experiencing abstinence while incarcerated and upon planning for discharge and may be more receptive to accepting treatment; and

WHEREAS, the cost of any SUD treatment and services provided inside the county jails is borne by the county, and it is an ever-increasing burden which the Counties cannot meet; and

WHEREAS, annual OASAS State Aid funding to the LGUs for comprehensive jail-based SUD treatment and re-entry planning is critically important to reducing drug use,

overdoses and overdose deaths, recidivism, crime, and will save taxpayer dollars money and most importantly, save lives; and

WHEREAS, data from a July 2018 study published in the American Journal of Public Health now indicates that inmates were 40 times more likely to die of an opioid overdose in the first two weeks after release; 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 era of property tax caps and increasing workforce shortages, a dedicated annual State funding stream to the LGUs is desperately needed in order to provide jail-based SUD treatment and transition services, as well for supporting and retaining staff, including but not limited to, screening and assessments upon entry, education and counseling services, peer support, CASACs, supervising staff, and other SUD treatment providers, medication assisted treatment and discharge planners to facilitate treatment after release; and

WHEREAS, securing \$7.2 million in SFY 2019-20 Enacted Executive Budget will provide the necessary resources for LGUs to sustain existing programs and create additional jail-based SUD treatment and transition services programs in counties without funding to address the existing gap in the SUD treatment continuum which will further support efforts to reduce the human cost of the heroin/opioid epidemic on New Yorkers.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and the Office of Alcoholism and Substance Abuse Services to help combat the heroin and opioid epidemic, save lives and reduce the rate of recidivism, by providing state funding for the treatment and transition of incarcerated individuals with substance use disorders in our county jails; 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, the New York State Legislature, and the Office of Alcoholism and Substance Abuse Services, and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #5**

Resolution in Support of Statewide Legislation Concerning the Sale and Possession of Synthetic Drugs

WHEREAS, communities throughout New York State have experienced increased crimes, emergency room cases, illnesses, and deaths linked to the use and abuse of synthetic drugs and other similar substances or compounds; and

WHEREAS, such products are being openly sold and marketed through New York State and online; and

WHEREAS, while New York State has continued to update its schedule of controlled substances, many new variants of these substances are able to avoid prohibition by slightly changing their chemical composition; and

WHEREAS, the health, safety, and well-being of all New York State residents is furthered by prohibiting the sale, use, or possession of these substances; and

WHEREAS, synthetic drugs are more effectively regulated on a statewide basis through a comprehensive regulatory plan that covers existing and newly created drug variants, rather than through a patchwork of regulations enacted by localities.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby urges the Governor and State Legislature to introduce, support, and enact statewide legislation banning the sale and possession of synthetic drugs; and

BE IT FURTHER RESOLVED, that NYSAC hereby respectfully urges the Governor to sign said bill(s) forthwith upon passage; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #5**

**Resolution Calling for Governor Andrew M. Cuomo and the New York State
Legislature to Classify as Controlled Substances Certain Fentanyl
“Analogues” that are Responsible for Opioid Overdose Deaths**

WHEREAS, for nearly a decade, New York State and the rest of the United States have been experiencing an unprecedented epidemic in the abuse of legal and illegal opioid drugs, resulting in the addiction of millions of people and the overdose deaths of hundreds of thousands; and

WHEREAS, fentanyl, a prescription opioid painkiller that is a controlled substance in the State of New York, is responsible for some of those overdose deaths, as are many substances known as fentanyl “analogues,” drugs that have been designed to mimic the pharmacological effects of fentanyl, but that are not controlled substances in the State of New York because they are not listed on the appropriate schedules that classify controlled substances in Public Health Law Section 3306; and

WHEREAS, the ability of law enforcement officers in New York State to investigate and prosecute sellers of deadly opioid drugs is hampered by the gap in the law that results in some fentanyl analogues not being classified as controlled substances because the New York State Legislature has not acted to add those analogues to the appropriate Public Health Law schedules; and

WHEREAS, under federal law, pursuant to 21 CFR Section 1308.11(h)(30)(i), the Administrator of the United States Drug Enforcement Administration has lawfully defined “fentanyl-related substance” to mean any substance related to fentanyl by certain specified chemical modifications; and

WHEREAS, if New York State classified as controlled substances any substances that meet the above federal definition of “fentanyl-related substance,” the aforementioned gap in the law with regard to fentanyl analogues would largely be closed, and law enforcement would be able to investigate and prosecute sellers of currently-legal fentanyl analogues that are responsible for many of the overdose deaths.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties hereby urges the Governor and State Legislature to amend New York Public Health Law Section 3306 to include as a controlled substance any substance that meets the definition of “fentanyl-related substance,” as defined in 21 CFR Section 1308.11(h)(30)(i); 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, the New York State Legislature, and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2019 NYSAC Legislative Conference
Albany 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

**2019 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #1**

**Resolution Calling on Governor Andrew M. Cuomo and the New York State
Legislature to Address the Lack of Cellular Phone Coverage for All New
York State Residents and Visitors**

WHEREAS, cellular service and the ability to use individual wireless devices is no longer a luxury, but rather a public necessity; and

WHEREAS, every area of the State, irrespective of financial means or the economics of the individual community, has a right to this critical piece of infrastructure; and

WHEREAS, cell phones and the requisite cell phone coverage are in many cases the first link of our emergency response chain for first responders including fire, EMS, and law enforcement; and

WHEREAS, this infrastructure also drives commerce and tourism, and is a critical component to the success of our education system and our students; and

WHEREAS, there are many large tracts of New York that do not have access to this public utility; and

WHEREAS, government has an obligation to provide for the public safety, education, and equal treatment and opportunity for all of our citizens; and

WHEREAS, the Governor in his 2019 State of the State address called for the creation of an Upstate Cellular Coverage taskforce to identify solutions and develop policies addressing the lack of cellular coverage throughout New York State.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties hereby calls upon Governor Andrew M. Cuomo and the State Legislature to invest in cellular infrastructure, and push providers to invest in counties and communities throughout the State; 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, 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.

**2019 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #2**

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

WHEREAS, County Probation Departments are an integral part of the criminal justice system and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

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

WHEREAS, State funding for Probation has been drastically reduced since 1990 from a 53.5 percent State share in 1990 to less than 10 percent in 2017, putting a huge strain on counties and costs to county property taxpayers; and

WHEREAS, at the same time there have been increases in the number of mandated programs and services county probation departments are required to provide; and

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

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve probation and alternatives to incarceration in the following ways:

1. To support the Raise the Age law:
 - RAISE THE MINIMUM AGE THAT A YOUTH CAN BE CHARGED AS A JUVENILE DELINQUENT FROM SEVEN TO TWELVE YEARS OLD.
 - INCREASE THE MAXIMUM TIME FRAME FOR DIVERSION SERVICES FROM FOUR TO SIX MONTHS FOR JUVENILE DELINQUENTS.
 - MANDATE THAT THE STATE'S EVIDENCE-BASED CRITERIA SHOULD ACCOUNT FOR EXISTING LOCAL BEST PROGRAMS.
 - ALLOW PROBATION THE ABILITY TO MAKE AN APPLICATION FOR A TEMPORARY ORDER OF PROTECTION AS A PART OF THE ADJUSTMENT PROCESS.
2. Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence-based programming associated with the Raise the Age law.

3. Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra's Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
4. Ensure that local probation departments receive 100% of all costs including but not limited to probation personnel associated with bail reform/cashless bail.
5. Authorize law enforcement agencies to issue appearance tickets, instead of physical arrests, when AO's and JO's are charged with D felonies.
6. Allow law enforcement agencies to deliver AO, JO, and JD to detention facilities after business hours without a securing order until the next business day or until court is in session.
7. Eliminate mandate that pre-sentence investigation must be conducted when a sentence of up to one-year in jail has been negotiated.

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, 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.

**2019 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #3**

**Resolution Calling on Governor Andrew M. Cuomo and the State
Legislature to Fund Unattended Death Investigations Including Costs
Associated with Performing Autopsy and Toxicology Services**

WHEREAS, our State is grappling with a widespread opioid epidemic causing havoc on the lives of New Yorkers while placing a tremendous fiscal strain on county budgets; and

WHEREAS, counties are responsible for investigating unattended deaths; violent deaths; a death caused by an unlawful act or criminal neglect; deaths occurring in a suspicious, unusual or unexplained manner; deaths caused by a suspected criminal abortion; a death of an individual confined in an institution (jail or nursing home); and

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, due to the opioid epidemic, coroners and medical examiners are seeing a dramatic increase in their caseload; and

WHEREAS, in 2018, counties across New York State and New York City, seeing a dramatic increase in caseload due to the opioid epidemic, budgeted over \$122 million for coroner and medical examiner expenses; 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 a public safety and not a public health function; and

WHEREAS, just recently one medical provider used by a sixteen-county region in eastern New York doubled their fee for autopsy services and cut toxicology services; and

WHEREAS, many counties across New York State are forced to use one provider as many medical institutions have suspended autopsy and toxicology services; and

WHEREAS, in addition to a lack of affordable autopsy and toxicology providers, our state and nation is experiencing a dramatic shortfall in pathologists, particularly forensic pathologists; and

WHEREAS, the New York State Association of Coroner and Medical Examiners and NYSAC have partnered together to bring awareness to this problem.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties urges Governor Andrew M. Cuomo and State lawmakers to restore funding to counties to help offset the costs for state-mandated autopsy services, which are rapidly increasing due to the changing pathology landscape in NYS and the opioid epidemic; and

BE IT FURTHER RESOLVED, the New York State Association of Counties further advocates that Governor Andrew M. Cuomo and the State Legislature shift coroner and medical examiner funding from the New York State Division of Criminal Justice Services back to the New York State Department of Health; 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, 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2019 NYSAC Legislative Conference
Albany 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**

**2019 NYSAC Legislative Conference
NYSAC 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, on April 1, 2016 the State Legislature funded the Commission's recommendation and 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, 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, and prior to this increase, the State 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 requested in correspondences with state officials that the state fund this salary increase; and

WHEREAS, in 2016, 2017, and 2018 the State Legislature enacted separate \$150 billion State Budgets but did not include State funding for the \$1.8 million in costs for the increase in District Attorney salaries; 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 lowering property taxes is the main 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, 2017 and 2018; and

WHEREAS, in 2019 and beyond this annual unfunded mandate will continue to increase as Judicial salaries, and the D.A. salary tied to them, receive annual COLA raises.

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 shall be sent to member counties for their consideration; 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.

**2019 NYSAC Legislative Conference
NYSAC Standing Committee on Public Employee Relations
Resolution #2**

Resolution Calling on the State to Increase the Salary Cap for Retired Public Employees Seeking County Employment

WHEREAS, under current state law a retired public employee may earn up to \$30,000 if retained/rehired to a state or local government position without this salary impacting their retirement benefits; and

WHEREAS, any retired public employee salary amount over \$30,000 will result in a decrease in pension payments for the employee; and

WHEREAS, the \$30,000 cap was set in 2007, with the intent of minimizing misuse, while at the same time providing enough incentive for employees with broad experience and institutional knowledge to be retained in a government service capacity; and

WHEREAS, this cap has not been adjusted since 2007 and has eroded in value due to inflation over the last decade; and

WHEREAS, every county has unique challenges when hiring for certain skilled or knowledge-based positions due to each county having different populations, economics, and demographics including but not limited to retired corrections deputy sheriffs, school resource officers, public health nurses, registered nurses, caseworkers, mental health professionals, and other critical positions; and

WHEREAS, county governments are being asked to provide more services with less funding, a goal that becomes more difficult when those that best understand local government service needs are retiring and their continued connection to public service in a limited fashion is being deterred by state policies; and

WHEREAS, in 2018 a bill was introduced (S.3576 (Tedisco)/A.3327 (McDonald)) that recognizes adjusting this cap modestly to \$35,000 to keep pace with inflation and provide the State and the local governments more hiring options when they seek to fill a position that requires unique skill sets, government experience, and, in some cases, reduces health insurance costs as the person is already retired.

WHEREAS, following said adjustment, future increases shall be tied to the ERS COLA for retirees and staff occur annually; and

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby calls on the Governor and the legislature to enact legislation supporting an increase in this earnings rate as part of their 2019-20 state budget negotiations; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be sent to member counties for their consideration; 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.

**2019 NYSAC Legislative Conference
NYSAC Standing Committee on Public Employee Relations
Resolution #3**

**Resolution Calling upon the Governor and the New York State Legislature
to Refrain from Enacting New Public Employee Benefits Mandates**

WHEREAS, New York State has one of the highest state and local tax burdens in the nation; and

WHEREAS, the Governor and legislative leaders have all pledged on numerous occasions to reduce the burden of local property taxes on businesses and home owners, including a cap on property taxes, as a way to stimulate the state's economy; and

WHEREAS, in 2012 the State enacted a property tax cap in order to help reduce and maintain tax levels throughout the State and the Governor is seeking to make the tax cap permanent in 2019;

WHEREAS, New York counties have stepped up to meet the challenge with the vast majority staying under the cap level every budget year but it is becoming increasingly more difficult to do so; and

WHEREAS, the provisions of the Taylor Law and the Triborough Amendment, and mandates for new employee leave benefits contribute to higher personnel costs to counties; and

WHEREAS, the New York State Association of Counties recognizes and supports recent efforts by the Governor to decrease the costs associated with binding arbitration; and

WHEREAS, these mandated personnel cost increases directly lead to budget increases for counties and translate to added burdens to local taxpayers who have to pay the costs of these new benefits.

NOW, THEREFORE, BE IT RESOLVED, the New York State Associations calls on the State to refrain from creating any new public employee benefits that would result in increased county cost unless these changes are fully funded by the State; and

BE IT FURTHER RESOLVED, the New York State Association of Counties hereby calls upon the Legislature not to enact and the Governor not to approve any new personnel cost mandates as a first step in achieving their promised reduction in the local property tax burden; 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

2019 NYSAC Legislative Conference Albany 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

**2019 NYSAC Legislative Conference
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 all states to collect sales tax on Internet purchases made by consumers in their state under *South Dakota v. Wayfair*; and

WHEREAS, the *South Dakota v. Wayfair* decision declared that their prior ruling under “*Quill* creates rather than resolves market distortions”; and

WHEREAS, the Decision further declares, “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 counties and the Governor put forth 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, as of December 2018, 31 states and the District of Columbia had enacted laws or regulations requiring out-of-state retailers to collect and remit sales taxes on their transactions within their state, with most using the guidance laid out in the Supreme Court Decision.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties 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.

**2019 NYSAC Legislative Conference
Standing Committee on Taxation and Finance
Resolution #2**

**Resolution Calling on the Governor and State Legislative Leaders to Provide
Counties with Permanent Local Authority Over Their Sales Tax Rates,
While Also Reforming the Entire 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, the Governor has indicated his desire to make the property tax cap permanent; 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 five different counties have seen their home rule revenue authority held hostage in unrelated state policy fights, resulting in the lapsing of local sales tax and mortgage recording tax authority; and

WHEREAS, the loss of these revenues causes fiscal stress and budget uncertainty for counties, while increasing pressure on property tax rates; and

WHEREAS, in the case of sales tax, counties often share the revenues 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, and villages will likely exceed \$1.9 billion in 2018; and

WHEREAS, enacting longer home rule revenue authorizations, or making them permanent, still allows for appropriate state legislative review in the future upon any change; and

WHEREAS, New York City was granted permanent local authority over their sales tax rate nearly a decade ago, while county requests for the same authority have been repeatedly denied; and

WHEREAS, permanent home rule sales tax authority would provide more budget certainty and stability, while reducing 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 calls upon the Governor and State Legislature to provide parity with New York City by granting permanent home rule sales tax authority to counties; and

BE IT FURTHER RESOLVED, that counties urge State leaders to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level, while retaining state legislative review; 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.

**2019 NYSAC Legislative Conference
NYSAC Standing Committee on Taxation and Finance
Resolution #3**

**Resolution Calling on the Governor and State Legislature to Enact No New
Unfunded Mandates Legislation**

WHEREAS, there has been a long-documented history of the impact that unfunded and underfunded state and federal mandates have on local tax burdens; and

WHEREAS, this mandate problem has been particularly acute for the counties of New York with the vast majority of most counties' spending being directly linked to paying for state and federally mandated expenses; and

WHEREAS, there are state mandated programs where, each year, the state consistently underfunds their legally required (or promised) share of program costs; and

WHEREAS, legislative actions that ignore state law reimbursement requirements, or fail to fully support promised funding, forces local taxpayers to finance hundreds of millions of dollars annually in state program costs with locally raised revenues; and

WHEREAS, most states do not impose so many unfunded mandates on their local governments; and

WHEREAS, the state's failure to pay its promised share of costs directly leads to a higher local tax burden compared to other states; and

WHEREAS, the Governor and State Legislature have recently taken steps that recognize and begin to address some of the impact these mandates impose on local property taxpayers, including:

- ESTABLISHMENT OF A 2 PERCENT PROPERTY TAX CAP;
- ENACTING A NO GROWTH CAP IN COUNTY MEDICAID COSTS; AND
- CREATION OF A NEW PENSION TIER; AND

WHEREAS, the state promised significantly more mandate relief for local governments under the property tax cap, which has failed to materialize; and

WHEREAS, the Governor is proposing to make the property tax cap permanent.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls upon the Governor and State Legislature to enact a freeze in costs to all local governments on existing state mandates and implement a ban on the imposition of new unfunded mandates on local governments; and

BE IT FURTHER RESOLVED, this ban on unfunded mandates and freeze on existing mandates, should be statutory in the first instance and then enshrined in the State Constitution in order to protect local taxpayers; 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, NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2019 NYSAC Legislative Conference
NYSAC Standing Committee on Taxation and Finance
Resolution #4**

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 property tax freeze, the county-wide shared services initiative, and rebate check programs; 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, 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 two percent per year over the last decade, less than the rate of inflation over that time frame; and

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

WHEREAS, counties believe that aligning the cost of the state's human services programs with the governmental entity that defines and controls them will result in 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, NYSAC attributes 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2019 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Transportation and
Infrastructure**

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

**2019 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #1**

**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 State Budget schedules \$12.5 million for the Aviation Capital Grant Program for this fiscal year and the next; 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 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 New York State Association of Counties urges the Governor and the Legislature to provide increased, recurring and reliable funding of \$40 million a year 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 member counties for their consideration; 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.

**2019 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #2**

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

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, 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, 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 proposed by 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 proposed 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 the enactment of legislation or budget language that increases 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, 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.

**2019 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #3**

Resolution Urging Support for Increased Funding to Local Traffic Safety Boards in Order that Such Traffic Safety Boards Can Develop and Implement Programs and Activities that Will Make Our Local Roads Safer

WHEREAS, under the authority of Article 43, Section 1672 of the Vehicle and Traffic Law of the State of New York, a county not wholly included within the City of New York may establish a local traffic safety board for such respective county; and

WHEREAS, under Article 43, Section 1672 of the Vehicle and Traffic Law of the State of New York, a traffic safety board shall, among other things:

- Promote and encourage street and highway traffic safety,
- Formulate county-wide programs and coordinate efforts of interested parties and agencies engaged in traffic safety education,
- Corporate with local officials within the respective county in the formulation and execution of traffic safety programs and activities,
- Study traffic conditions on streets and highways within the respective counties, study and analyze reports of accidents and causes thereof, and recommend to the appropriate legislative bodies, departments or commissions, such changes in rules, orders, regulations, and existing laws as deemed advisable,
- Promote safety education for drivers and pedestrians,
- Obtain and assemble motor vehicle accident data and analyze, study and consolidate such data for educational and informational purposes; and

WHEREAS, many counties have established local traffic safety boards and parity between the use of funds programmed for traffic safety on state and local roadways is necessary; and

WHEREAS, in order for local traffic safety boards to fully carry out their duties, greater involvement in and coordination between the local traffic safety board and the transportation planning process is necessary for monitoring crash data on the local roadway; and

WHEREAS, increased funding is necessary for local traffic safety boards to continue the development and implementation of programs and activities as aforesaid and in accordance of the statutory mandate under state law.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties hereby calls on the Governor and State Legislature to support funding to local traffic safety boards in order that such traffic safety boards can develop and implement programs and activities that will make our local roads safer; 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.

**2019 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #4**

Resolution Urging the Governor and State Lawmakers to Exclude Local Costs for Road, Bridge, and Infrastructure Capital Construction Projects from the Annual Property Tax Cap Calculation

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, in 2011 the State Legislature enacted a state-imposed local property tax cap, which requires local governments and schools to limit their property tax increases to two percent or the rate of inflation, whichever is less; and

WHEREAS, counties direct 90 percent of the property taxes collected statewide to fund state mandated programs and services, and they must pay for the mandates first before funding local quality of life programs; and

WHEREAS, at the time of passing the property tax cap, State Lawmakers pledged that they would provide extensive mandate relief to help counties and local governments meet the new property tax requirements; and

WHEREAS, State Leaders lowered the cost of future mandated costs by capping local Medicaid costs and enacting a new pension tier, but did not reduce the costs of state mandates on counties; and

WHEREAS, since the enactment of the property tax cap counties and local governments have delayed or avoided critical infrastructure capital projects because they did not want to exceed the state-imposed property tax cap; and

WHEREAS, the longer these capital projects are ignored and forestalled, the more likely they will turn into emergencies and result in even greater costs to local taxpayers; and

WHEREAS, the current property tax cap law allows an exclusion for the local funds used in school district capital obligations but does not include a comparable exclusion for counties and other local governments that use local funds for capital projects.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties hereby calls on the Governor and State Legislature to amend the property tax cap to exclude local expenditures used for town and county highway, bridge, and other infrastructure capital projects with a design life of no less than 10 years, including but

not limited to water, sewer, and storm water from the state's property tax cap calculation; 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.

**2019 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #5**

Resolution Urging the Governor and State Lawmakers to Grant Design-Build Construction Authority to Counties and New York City

WHEREAS, current road, bridge, building, and infrastructure construction projects are cumbersome and expensive for local governments and taxpayers in New York State; and

WHEREAS, design-build contracting saves time and money by eliminating time in procuring design services separately from construction services, and by making a single entity responsible for a project, reducing the possibility of contract claims related to design errors or omissions; and

WHEREAS, design-build is a method of construction project delivery in which one entity works under a single contract to provide design and construction services; and

WHEREAS, design-build projects minimize project risk for the owner, increase the accountability of contractors and streamlines the delivery schedule by compressing two procurements into one, eliminating one full procurement cycle; and

WHEREAS, design-build further streamlines the delivery schedule by overlapping the design and construction phases of a project, and

WHEREAS, New York State already has granted itself the authority to use design-build on their construction projects with great success; and

WHEREAS, the State has proven this method saves both time and taxpayer spending all while minimizing project risk.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties hereby calls on the Governor and State Lawmakers to grant New York City and county governments the authority to use design-build construction to achieve these needed construction project results; 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.