



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018
NYSAC Legislative Conference
Resolutions**

**Albany County, New York
January 2018**

**Hon. MaryEllen Odell, President
Stephen J. Acquario, Executive Director**

**2018 NYSAC Legislative Conference Resolutions
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NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

NYSAC Board of Directors

Hon. MaryEllen Odell, President

**2018 NYSAC Legislative Conference
NYSAC Board of Directors
Resolution #1**

**Resolution Supporting the Governor's Initiative to Match State Judgment
Interest Rates with Federal Levels**

WHEREAS, the option to appeal a civil case court ruling is a fundamental right in the United States; and

WHEREAS, in New York State, defendants in civil cases are required to pay interest on an original judgement until an appellate division determination is made; and

WHEREAS, under State Law, judgement interest rates are set at 9 percent; and

WHEREAS, this judgement interest rate was set in Law in the 1970's, when 9 percent matched the federal interest rate and at a time, and when there were fewer cases in the court, so there was a quicker appeals process; and

WHEREAS, today, due to court backlogs, the current appeals process can take months or years to be resolved, and in some instances interest penalties can exceed the underlying award; and

WHEREAS, too often, a county must forfeit their right to appeal a case due to the costs associated with the interest payments during the appeal process; and

WHEREAS, today, federal interest rates and federal judgment interest rates are below 2 percent; and

WHEREAS, the 2018-2019 Governor's Executive Budget proposes a simple and equitable solution to this problem, matching the state judgment interest rate with current federal interest rate.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the Senate and the Assembly to support and pass this needed rate change in the proposed 2018-2019 Executive State Budget to insure a county's decision to appeal can be made by legal merit and not predetermined by interest rate cost to taxpayers; 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.

**2018 NYSAC Legislative Conference
NYSAC Board of Directors
Resolution #2**

Resolution Opposing the Repeal of Net Neutrality and Urging the Governor and Legislature to Ensure Net Neutrality Protections for New Yorkers

WHEREAS, in 2015, the Federal Communications Commission (FCC) adopted historic Net Neutrality rules to allow Americans to share and access information on the internet without having content sped up, slowed down, or blocked by internet service providers; and

WHEREAS, in December 2017, the FCC voted to dismantle the Net Neutrality rules, thereby threatening the free exchange of information, enabling price-gouging, and stifling innovation; and

WHEREAS, the FCC's ruling may hurt the competitiveness of small, rural businesses in New York State, which rely on the internet to reach their customers and cannot afford to pay premiums to speed up the delivery of their content; and

WHEREAS, eliminating net neutrality will further harm broadband competition and raise prices in rural areas, which are already unserved or underserved; and

WHEREAS, New York Attorney General Eric T. Schneiderman, in recognition of the impact the FCC's decision has on New York customers, announced that he will lead a multistate lawsuit to stop the rollback of net neutrality; and

WHEREAS, Senator Carlucci and Assemblymember Fahy introduced legislation (S7183/A8882) that, if adopted, would direct New York's Public Service Commission (PSC) to establish a process for internet service providers (ISPs) to certify that they follow net neutrality principles and require New York State agencies, public authorities and municipalities to contract with only ISPs certified by the PSC to follow net neutrality principles.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the New York State Assembly to work to reverse the FCC's repeal of net neutrality and pass legislation to ensure that net neutrality protections remain in place in New York State; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
Board of Directors
Resolution #3**

Resolution Supporting Continued Prioritization of Heroin and Opioid Abuse Prevention as a Top Public Safety, Public Health, and Mental Health Focus in New York State for 2018

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

WHEREAS, in 2016, according to the United States Department of Health and Human Services, health care professionals dispense more than 650,000 prescriptions and 3,900 people initiate nonmedical use of prescription opioids for the first time; and

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

WHEREAS, as this epidemic has grown, it has become increasingly clear that the addiction does not discriminate: it can happen in any household, in any family, in any neighborhood, and in any community; and

WHEREAS, the addiction, abuse, and illegal use of heroin and opioids has an impact on many areas of county government ranging from public safety, public health, mental health, and corrections; and

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

WHEREAS, opioid and heroin addictions have reached crisis proportions and the Federal Government, New York State and counties across the state have created programs designed to combat the illegal use of these drugs; and

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

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

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

WHEREAS, the 2016/17 and 2017/18 Enacted Budgets included collectively over \$500 million to provide funding for constructing and rehabilitating facilities, expanding support and treatment services, providing aid to localities, and providing preventative services; and

WHEREAS, counties across the nation under the leadership of the National Association of Counties (NACo) have joined together to create a joint National Taskforce, which Erie County Executive Mark Poloncarz served on, and provided the information directly to all the counties across New York State.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) thanks the National Association of Counties, the Governor and the State Legislature for making heroin and opioid abuse a top public safety, public health, and mental health priority and urges them to continue to do so until the epidemic is defeated; and

BE IT FURTHER RESOLVED, county officials support increased funding to be included in the final 2018-19 state budget to support the Office of Alcohol and Substance Abuse Services (OASAS) to enhance prevention, treatment and recovery programs, residential service opportunities, and public awareness and education activities.

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

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

**2018 NYSAC Legislative Conference
NYSAC Board of Directors
Resolution #4**

Resolution Urging the New York State Legislature to Reject the Governor's Budget Proposal that Allows the Executive Branch to Make Administrative Budget Cuts to Local Assistance Programs if Certain Financial Thresholds are Breached at Any Time During the State Fiscal Year

WHEREAS, Governor Cuomo has proposed in his 2018-19 Budget Recommendation that the Executive Branch be granted additional budget authority to administratively make state budget cuts to local assistance programs at any time during the fiscal year if certain fiscal thresholds are breached; and

WHEREAS, the two thresholds include:

1. A reduction of more than \$850 million in federal Medicaid funding; or a reduction in federal financial participation or other Federal aid in funding to New York State that affects the State Operating Funds financial plan by \$850 million or more, exclusive of any cuts to Medicaid; or
2. The State's revenue estimates fall \$500 million or more short of projected in the adopted Financial Plan at any point during the fiscal year; and

WHEREAS, if either fiscal threshold is triggered the Executive Branch is tasked with unilaterally: 1) developing across the board funding cuts with limited state legislative review under the federal trigger, and 2) under the revenue trigger enact cuts of up to three percent across the board to local assistance funding with no state legislative review; and

WHEREAS, defining if a threshold is triggered rests entirely with the Governor under this proposal; and

WHEREAS, under the federal trigger, without a clear definition, one could conclude that the trigger has already occurred based on federal budget actions that have already cut nearly \$2 billion in federal funding to New York that supports children's health insurance programs, Medicaid disproportionate share payments for hospitals and special payments to health insurers under the Affordable Care Act that funds the State's Essential Health Plan – all of which require an act of Congress to reverse; and

WHEREAS, under the state revenue trigger, over the last two years the state has lowered its revenue projections six times for a total \$4.2 billion; and

WHEREAS, given this recent history it appears the expanded Executive budget authority to enact cuts administratively seeks mainly to bypass the normal legislative process in developing the state budget which requires public input from taxpayers and stakeholders tasked with implementing state and federally mandated programs, and other critical services; and

WHEREAS, the Governor of New York is already vested with significant budget authority in crafting and controlling the state budget, so much so that the governor's role in New York's budget process is considered one of the most powerful in the country; and

WHEREAS, providing blanket authority to the Executive to effectively implement mid-year budget cuts to local governments and others for expenses that may have already been incurred will require local taxpayers to absorb through higher costs or lost services with virtually no stakeholder input; and

WHEREAS, expanding these budget powers reduces transparency and severely restricts the taxpayer's voice in critical public policy decisions.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls upon the New York State Legislature to reject the Governor's request to expand his budget authority to make significant funding cuts administratively at any time; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Agriculture and Rural
Affairs**

**Hon. A. Douglas Berwanger, Wyoming County, Chair
Angela Ellis, Livingston County, Vice-Chair
Hon. Terry Wilbur, Oswego County, Vice-Chair**

**2018 NYSAC Legislative Conference
Standing Committee on Agriculture and Rural Affairs
Resolution #1**

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

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

WHEREAS, the agricultural sector, farms and related food system are major economic engines in New York State; and

WHEREAS, the enacted 2017/2018 budget allocated \$20 million to farmland protection and \$32,899,000 to agriculture local assistance programs; and

WHEREAS, the Governor's 2018/19 proposed budget, released on January 16, 2018, allocated \$20 million to farmland preservation and \$21,421,000 to agriculture local assistance programs; and

WHEREAS, New York's farmland protection and agriculture assistance programs help sustain this vital industry; and

WHEREAS, while funding for farmland protection and agriculture assistance has grown, there is no guarantee that this level of funding will be continued in future years; and

WHEREAS, more than 30 percent of the farmers in New York State, 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 to starting a new farm operation is the number one barrier that new and beginning farmers face when trying to get started; 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 \$20 million and agriculture local assistance programs at \$32,899,000 in the FY 2018/19 budget.

BE IT FURTHER RESOLVED, that NYSAC calls upon the State of New York to fund a Farmland for a New Generation Program, which would help to ensure that the two million acres expected to be transferred over the next decade stays in farming by creating a centralized statewide resource center, website and first point of contact, while also building regional capacity within New York to assist with farmland access and transfer; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on
Children with Special Needs**

Barbara Pellegrino, Oneida County, Chair

Rita Wood, Ulster County, Vice-Chair

Lisa Chester, Niagara County, Vice-Chair

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Children with Special Needs
Resolution #1**

**Resolution Urging the Governor and State Legislature to Take Over the
Fiscal Responsibility for Costs Associated with Students Receiving
Preschool Special Education Services in Integrated Universal
Prekindergarten Program Classrooms**

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, permanent state law requires counties to pay 30.5 percent of preschool special education costs, but each year the Governor and Legislature disregard this statutory threshold in annual appropriation bills and require counties to pay 40.5 percent of costs associated with preschool special education; and

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

WHEREAS, a Special Class in an Integrated Setting (SCIS) often within a universal prekindergarten classroom is most consistent with federal and State law that requires preschool students with disabilities to be educated in the least restrictive environment; and

WHEREAS, research has consistently shown that integrated classrooms provide numerous positive outcomes for special education students; and

WHEREAS, such classrooms plainly highlight the inconsistencies of a bifurcated system that fully supports “mainstream” students with State funding while requiring counties to partially fund preschool special education students; and

WHEREAS, the increased placement of preschool special education students in integrated universal prekindergarten programs has added further strain on county taxpayers.

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 take over the fiscal responsibility for costs associated with students receiving preschool special education services in integrated universal prekindergarten

program classrooms, thereby fully funding all students being served in the same setting, encouraging further utilization of integrated settings, and providing relief to county taxpayers; and

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Children with Special Needs
Resolution #2**

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

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

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

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

WHEREAS, problems continue to arise under the State Fiscal Agent platform related to service providers filing for payment from insurance companies in the first instance as the law requires and lacks follow through by providers when insurers request additional documentation; and

WHEREAS, prior to the state fiscal agent, counties were able to work directly with 3rd party insurance providers and families to maximize insurance payments; and

WHEREAS, counties realized more payments from 3rd party payers prior to the state fiscal agents reducing the county and state share of this cost; and

WHEREAS, any extensive delay in providing such information to insurance companies can result in a denial by the insurance company due to untimely filing, causing these claims to fall to the state and counties resulting in higher costs for both the state and counties; and

WHEREAS, we continue to support proposals from the Governor that prioritize and require providers to adhere to current insurance regulations regarding payment of Early Intervention service claims to maximize commercial insurance collections; and

WHEREAS, we also ask that as part of these systems enhancement proposals, Medicaid revisit the Retro Re-Billing Process where the State identifies all claims that the counties and state pay including, but not limited to, waived services, and resubmit those to Medicaid to identify if a child's coverage changed. Medicaid should be billed in the first instance, so that counties don't have to pay upfront and then receive these monies many years later; and

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

WHEREAS, under the statewide fiscal agent model counties remain concerned about program integrity efforts pursued by the fiscal agent and the Department of Health (DOH) through audits, and believe that third party collections are not being maximized based on the increasing drawdown of funds out of the escrow for many counties far in excess of what has been budgeted or caseload changes suggest should be the case; and

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

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State of New York to implement policies and procedures to ensure that provider claims are filed within 60 days to maximize commercial insurance Medicaid reimbursement; and

BE IT FURTHER RESOLVED, the State Fiscal Agent must implement systematic changes to the billing system to track claims and, as outlined in the Governor's Budget for 2016-17, ensure providers and the State Fiscal Agent exhaust all appeals within the required timeline of the insurer before moving on to the next payer of record; and

BE IT FURTHER RESOLVED, that the State require all providers to enroll in 835 electronic remits and a timely filing requirement; and

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

BE IT FURTHER RESOLVED, the NYS Bureau of Early Intervention should develop an audit program outside of NYEIS for provider claims to ensure state and local funds are being spent appropriately; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

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

**Hon. Bill Farber, Hamilton County, Chair
Hon. Rebecca Ryan, Wyoming County, Vice-Chair
William Rabbia, Oneida County, Vice-Chair**

**2018 NYSAC Legislative Conference
Standing Committee on Economic Development and Environment
Resolution #1**

Resolution Supporting the Creation of An Industry-Sponsored Paint Stewardship Program to Reduce the Costly Burden Faced by Local Governments When Collecting and Disposing of Post-Consumer Paint

WHEREAS, New York State residents purchase over 39.2 million gallons of paint annually and nearly 4 million gallons of it go unused and will need recycling; and

WHEREAS, even though paint is highly recoverable, reusable, and recyclable, most leftover latex paint ends up in landfills; and

WHEREAS, oil-based paint is considered hazardous waste, and is the most expensive product for household hazardous waste (HHW) programs to manage, costing local governments across the country up to 50 percent of their total HHW budgets; and

WHEREAS, options to drop off unused paint at point-of-purchase locations are limited and as a result instead of being properly disposed of through periodic household hazardous waste collections, unused paint ends up being tossed in the trash or washed down the drain; and

WHEREAS, other states across the country have successfully implemented paint stewardship programs—Oregon has collected and recycled over 1 million gallons of paint since its program was implemented in 2010, and in California over 350 new collection locations are now accepting paint for recycling; and

WHEREAS, the implementation of a state-wide industry-sponsored paint stewardship program in New York State would greatly reduce this burden on local governments to collect and manage the disposal of paint and could potentially save counties millions of dollars annually. Additionally, paint recycling produces new jobs within New York State.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor and the New York State Legislature to create an industry-sponsored paint stewardship program to reduce burdens on local governments when collecting and disposing of post-consumer paint; and

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Economic Development and Environment
Resolution #2**

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

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

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

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

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

WHEREAS, programs used to be available to support critical investments attracting large-scale transformative projects; and

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

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

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Economic Development and Environment
Resolution #3**

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

WHEREAS, New York State faces a pending budget crisis and a potential \$4 billion deficit; and

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

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

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

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

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

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

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

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Economic Development and Environment
Resolution #4**

**Resolution Urging the Governor to Sign Senate Bill 2122A
(O'Mara)/Assembly Bill 1841A (Morelle), Which Requires Property Subject
to a PILOT to be Included in the Tax Base Growth Factor**

WHEREAS, New York State's counties supported the inclusion of the quantity change factor in the original tax cap legislation in order to not penalize local communities experiencing strong economic growth and development; and

WHEREAS, the inclusion of this factor allows a municipality's tax levy to increase due to "quantity change", including new growth and/or significant additions to existing properties; and

WHEREAS, a community that sees this expanded development must pay for the necessary public services and infrastructure to support the growth but is not allowed to proportionately grow their tax base under the current tax cap provisions; and

WHEREAS, this situation hampers the ability of local governments to ensure a high level of services for residents and, over time, will be counterproductive to the state's economic development and job creation goals; and

WHEREAS, the quantity change factor calculation as implemented under the state's property tax cap also fails to include the full impact that payment in lieu of tax (PILOT) exclusion agreements have on the property tax base and the need for public services;

WHEREAS, there are approximately 4,600 active PILOT IDA projects with an average investment of \$18 million, therefore these pilot arrangements can significantly impact some taxing jurisdictions; and

WHEREAS, in June 2017, both chambers of the New York State Legislature unanimously passed legislation that would require assessed property under an IDA PILOT agreement to be made part of the calculation for determining a taxing jurisdiction's quantity change factor; and

WHEREAS, Governor Andrew M. Cuomo vetoed this legislation in December 2017.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) urges the Governor to sign S.2122A (O'Mara)/A. 1841A (Morelle), thereby amending the general municipal law to require property subject to a PILOT to be included in the Tax Base Growth Factor; and

BE IT FURTHER RESOLVED, the passage of this legislation is necessary for local governments to continue to provide a high level of services to their residents; and

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Economic Development and Environment
Resolution #5**

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

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

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

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

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

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

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

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

WHEREAS, the Act empowers the DEC to promulgate regulations that could address many of the shortcomings in the law, and, in 2016, the DEC began the rulemaking process by holding preliminary workshops and accepting comments via email; and

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

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

WHEREAS, the Fiscal Year 2016-17 appropriation for the Environmental Protection Fund assists municipalities by making \$3 million available to reimburse up to 50 percent of expenses incurred for the collection/recycling of e-waste.

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

BE IT FURTHER RESOLVED, that NYSAC calls on state lawmakers to help alleviate the financial and administrative burden on municipalities who are dealing with these electronics by continuing to fund the reimbursement of expenses incurred collecting and recycling e-waste; and

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

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

Standing Committee on Intergovernmental Affairs

**Robert Hagemann, Jefferson County, Chair
Hon. Peter Crouse, Albany County, Vice-Chair
Cheryl Ketchum, Wyoming, Vice Chair**

2018 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #1

Resolution Urging New York State to Fully Fund Early Voting Operations

WHEREAS, under state law, counties in New York State manage, operate, and fund elections in New York State; and

WHEREAS, in his State of the State Address and Executive 2018-19 State Budget proposal, Governor Andrew M. Cuomo has proposed requiring every county to offer residents early voting opportunities through at least one early voting poll site during the 12 days leading up to Election Day; and

WHEREAS, the proposal will require counties to offer at least eight hours on weekdays and five hours on weekends to cast early ballots; and

WHEREAS, counties must have one early voting poll site for every 50,000 residents, at a location determined by the bipartisan county board of elections, and subject to standards of accessibility and convenience; and

WHEREAS, county boards of elections will designate at least five polling places in each county, geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot; and

WHEREAS, these proposals will significantly increase costs to county boards of elections for staffing and securing early voting locations, printing and counting additional ballots, and meeting other legal elections requirements associated with maintaining polling stations over an extended period of time (rather than one day); and

WHEREAS, under New York State law, counties have the authority to pass elections costs on to their municipal counterparts, which is done by more than half of counties; and

WHEREAS, the cost of early voting has been estimated at \$6.4 million per year; and

WHEREAS, the state-imposed property tax cap makes it difficult for local governments to absorb new costs of any kind.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the State to fund all costs associated with early voting; and

BE IT FURTHER RESOLVED, that the state consider removing the requirement unless they are able to fully fund; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Board of Elections, and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #2**

Resolution Commending the State’s Efforts to Improve Cyber Security for Election Systems, and Calling for Expanding those Efforts to include all County Information Systems

WHEREAS, in New York State, counties are responsible for managing election operations, which includes maintaining voting machines, voter databases, and all of the processes that go into holding federal, state, and local elections each year; and

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

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

WHEREAS, in his State of the State Address and Executive 2018-19 State Budget proposal, Governor Andrew M. Cuomo proposed a four-pronged approach to further strengthen cyber protections for New York's elections infrastructure that includes creating an election support center, developing an elections cyber security support toolkit, providing cyber risk vulnerability assessments and support for local boards of elections, and requiring counties to report data breaches to state authorities; and

WHEREAS, all county IT systems, including but not limited to election systems, are more vulnerable than ever to bad actors trying to infiltrate, access, and hold hostage the wide range of data managed by counties; and

WHEREAS, county governments maintain IT systems that house a range of sensitive personal information; and

WHEREAS, county governments maintain the voter database, sensitive personal information, and even DMV-related personal information; and

WHEREAS, the threat to our counties is real and constitutes a cyber emergency based on recent attacks by cybercriminals; and

WHEREAS, counties continue to use best efforts to secure and shield our systems, but often do not have the resources necessary to properly perform risk assessments to protect our IT infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the state to extend their support of board of election risk assessment exercises to other county information systems, and provide access to either through grants from an additional pool of state funding, from the State Board of Elections, the Department of Homeland Security, or from another appropriate state agency; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Board of Elections, and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #3**

**Resolution Urging Governor Cuomo And the State Legislature to Amend
State Insurance Law to Allow Shared Municipal Health Insurance
Consortiums**

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

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

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

WHEREAS, many local governments across the state would like to become part of their county's self-insured plan; and

WHEREAS, in order to lower health insurance costs for property taxpayers, these consortiums need to be allowed to purchase stop-loss insurance to cover the most serious and costly injuries and sicknesses; and

WHEREAS, Governor Andrew M. Cuomo is strongly encouraging local governments to pool resources, share services, and consolidate operations to improve efficiency and reduce costs to taxpayers; and

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

WHEREAS, the onerous regulations and reserve requirements of Article 47 have allowed only one consortium to form since 1991; and

WHEREAS, current State Insurance Law §§ 4237-a and 3231 prohibits local governments with fewer than 100 employees from purchasing stop-loss insurance policies; and

WHEREAS, these State laws represent significant barriers to local government efficiency, shared services and cost savings for property taxpayers; and

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

WHEREAS, recent state legislation would have authorized municipalities to join county self-funded or self-insured health plans without triggering the barriers presented by these onerous state laws.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) does hereby urge Governor Andrew M. Cuomo and the State Legislature to amend State Insurance Law to make it easier to form municipal health insurance consortiums and allow these consortiums to include local governments with fewer than 100 employees to purchase stop-loss health insurance policies; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #4**

**Resolution Urging the Governor and Legislature to Renew Their
Commitment to Fully Fund the State Share of Community College Costs and
to Fully Fund the Costs of FIT Chargebacks for Students Working Toward
Bachelors and Masters Degrees**

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

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

WHEREAS, the State funding amount has declined over the years below the historic one-third commitment; and

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

WHEREAS, this year the Governor's Executive 2018-19 State Budget proposal cuts funding to Community Colleges by \$24.4 million or five percent under last year's funding; and

WHEREAS, Section 6305 of the State education law requires the state to reimburse counties for Fashion Institute of Technology chargebacks, but the state has not provided the necessary appropriations to comply with this state law requirement; and

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

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to make continued state investment in community college operating costs a priority; and

BE IT FURTHER RESOLVED, the state should restore the full funding of FIT chargebacks to counties related to all educational instruction provided after two years (coursework necessary for a 4-year, and/or master's degree); and

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

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

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #5**

**Resolution Calling on the State to help Counties and Local Governments
Reduce Local Taxes by Prohibiting Cost Shifts and New Costs to Counties,
and Taking More Fiscal Responsibility for State Health, Human Service,
and Public Safety Programs**

WHEREAS, counties have long used shared services and functional consolidation as a primary tool in improving local government efficiency; and

WHEREAS, over the last several years the State has endorsed a variety of shared services initiatives to encourage more consolidation and service sharing at the local level; and

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

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

WHEREAS, in 2015, 48 counties submitted Government Efficiency Plans with annual savings at more than \$290 million for a three-year total of \$882 million from 1,303 different projects; and

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

WHEREAS, as part of this law, 34 counties submitted 389 proposals that identified \$208 million in projected savings in 2018, \$75 million in 2019 and \$76.1 million in 2020; and

WHEREAS, in 2018, remaining counties will convene county-wide shared service panels in compliance with the law; and

WHEREAS, in 2018, Governor Andrew M. Cuomo proposed that state funding for local government performance aid will now be conditional on the continuation of shared services panels; and

WHEREAS, counties are committed to the pursuit of achieving greater efficiencies through shared services and are concerned about overly prescriptive state mandates that intrude upon local home rule authority guaranteed under the state constitution; and

WHEREAS, these state-enacted laws requiring counties and local governments to reduce costs do not recognize the state's role in driving up local costs, including the programs it mandates counties to deliver and fund, and the policies and regulations that it requires all local governments and school districts to follow.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby calls on the state to help counties and local governments reduce local property taxes by constitutionally prohibiting all new costs to local governments, taking more fiscal responsibility for state health, human service, and public safety programs delivered by counties, reducing or reforming state mandated programs, and increasing flexibility on various regulations required of local governments; and

BE IT FURTHER RESOLVED, counties support incentives to facilitate shared services such as making state matching funds permanent and providing seed funding to help counties develop and evaluate complex shared services proposals; and

BE IT FURTHER RESOLVED, to maximize benefits for property taxpayers, schools and fire districts should be included in these shared services incentive programs; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #6**

Resolution to Amend Section 224 of the New York State County Law to Clarify Counties May Appropriate Funds Towards the Development, Maintenance, or Management of Affordable Housing

WHEREAS, Section 224 of the New York State County Law provides the option for a county to appropriate and contract for public benefit services, and specifically to contract with non-profit organizations and other corporations, associations and agencies within the county for the purposes listed in Section 224; and

WHEREAS, the list of objects and purposes for these optional appropriations and contracts for public benefit services does not explicitly include the development, maintenance, or management of affordable housing; and

WHEREAS, counties in the state of New York are permitted to spend Federal and state funds provided to them for the purposes of developing, maintaining, or managing affordable housing and to contract with other organizations to carry out these purposes; and

WHEREAS, some counties have found due to their specific resident needs and demographics, the federal and state governments offer an inadequate supply of funding towards affordable housing; and

WHEREAS, an adequate supply of affordable housing that is well maintained and managed is important to positively impact the health, safety, and well-being of many individuals and families throughout the state of New York.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby calls on the Governor and State Legislature to amend Section 224 of the New York State County Law to clarify that Tompkins County may have the option to use their own funds if they seek to add to the federal and state funding for affordable housing; 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 NYSAC 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

**2018 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**

**2018 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #1**

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

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

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

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

WHEREAS, the state currently caps funding for foster care and youth detention, limits reimbursement for other child welfare and probation programs, and is proposing the elimination of PINS funding by 2020 under the new law, causing concern among counties of a potentially significant increase in unreimbursed state mandated costs related to changing the age of criminal responsibility; and

WHEREAS, structural changes to raising the age of criminal responsibility will require a significant investment in services based on a children and families social services model and a significant recalibration of the treatment of impacted youth and their families in the court, juvenile justice and educational systems; and

WHEREAS, the human services based models will require the need for enhanced job-training skills, significant engagement of the education system before youth need intervention, transportation supports, drug and alcohol treatment, family and individual counseling, remedial and vocational education for youth and adults, coordinated mental hygiene services, case management, and an increase in trained foster parents with skills to care for and provide guidance to older troubled youth, and other interventions resulting in higher expenses; and

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

WHEREAS, there are significant changes required under the law to the criminal justice system for youth requiring a fundamental realignment of court jurisdiction; training of

judges, prosecutors, defense attorneys; and numerous other activities that are under the control of the Judicial Branch of New York government; and

WHEREAS, the release of draft guidelines for the construction of specialized secure detention facilities were released in December 2017, with the expectation they will become final in February 2018; and

WHEREAS, counties are to have secured and/or built new specialized secure detention facility beds by October 1, 2018, a mere eight months from the effective date of the final regulation; and

WHEREAS, while counties are working diligently with the State on these construction plans, the draft regulations do not provide for any streamlining of state procurement laws and rules nor provide for advanced state funding of capital costs; and

WHEREAS, the draft regulations include provisions that will likely increase the length of time necessary to build these facilities and make them fully operational by requiring state certification and approval of requests for proposals and change orders; and

WHEREAS, the draft regulations related to specialized secure detention facility construction and operations include waiver provisions that may help facilitate construction or rehabilitation of existing facilities, counties remain highly concerned over the ability to satisfy all state law procurement requirements while meeting the implementation deadlines of the new law; and

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

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

WHEREAS, the Governor's Office and state agencies continue strong outreach efforts on the new law in coordination with county officials and others that will implement the law, but process and other implementation concerns of counties remain.

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

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

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

BE IT FURTHER RESOLVED, the state needs to provide a clear service needs plan and make the capital investment to ensure there is sufficient provider capacity and detention space in all areas of the state, including:

- * Providing counties access to idle or unoccupied state facilities that could potentially meet the new requirements of the law,
- * Allowing the use of design-build construction methods; and
- * Financing construction costs up front through the State Dormitory Authority, or other state mechanism, to accelerate approvals, lower borrowing costs and potentially increase the pool of minority and women owned businesses that could respond to contract offerings.

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

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

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

BE IT FURTHER RESOLVED, counties strongly encourage state agencies and the judicial branch to continue to work with counties on solidifying pending fiscal, caseload and capital costs related to this law as soon as practicable so that counties can prudently plan their budget, staffing and borrowing needs in a timely manner; and

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

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

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #2**

Resolution Calling on the Governor and Legislature to Reverse the Foster Care Cost Shift Implemented in the 2017-18 State Budget

WHEREAS, the 2017-18 state budget included a reduction in state reimbursement support for foster care that will cost counties and New York City more than \$62 million annually; and

WHEREAS, counties and advocates strongly opposed the cut because it will require counties to make up the difference with cuts to other human services, including preventive services contracts; and

WHEREAS, counties have extremely limited options to control foster care costs and placements due to the orders of judges and the growing substance abuse epidemics that are ravishing many communities across the state, forcing placements outside of the home as parents, and/or children struggle with beating their addiction; and

WHEREAS, addressing the current opioid and heroin scourge brings with it longer and costlier stays in care that require intensive mental health, drug abuse and behavioral health counseling and treatment regimens; and

WHEREAS, in addition to more intensive services required in foster care today, the age of children entering the system is falling, triggering other critical and lengthy service needs; and

WHEREAS, the concurrent enactment of legislation that raises the age of criminal responsibility in New York from 16 to 18 will likely increase demand for foster care services; and

WHEREAS, this state foster care reimbursement cut is another in a long series of state funding cuts to human services programs including Safety Net, adoption subsidies, food stamp administration, child support enforcement, juvenile justice and reintegration programs for incarcerated individuals returning to the community; and

WHEREAS, the state funding cuts to foster care and these other programs impacts the ability of counties to provide critical prevention supports that can keep children and families at-risk out of the foster care system in the first instance, and undermines state and local efforts to achieve permanency for children; and

WHEREAS, the state foster care cut equaled 74 percent of the allowable property tax cap growth for the average county, and for 20 counties the cut was greater than their entire allowable property tax cap growth.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor and Legislature to reverse the state reimbursement cuts to foster care enacted in the 2017-18 budget, and to also gradually restore funding cuts in other key human services programs; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #3**

**Resolution Urging the State to Clarify Its Homelessness Prevention Goals
and Develop 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, local social service districts focus scarce resources on achieving permanent housing, preventing homelessness and providing temporary placement; and

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

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

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

WHEREAS, recent state directives, emergency rulemaking and data requests that focus on safety and security in emergency and temporary shelter situations are causing significant administrative burdens for counties without providing any additional financial support from the state to assist and comply with these demands, even though the state has added significant new staff of their own; 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 officials; 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, however counties believe this initiative must be compliant with mental hygiene law; 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 agencies to provide more fiscal assistance to counties to meet new inspection demands and to help counties fund more services that can prevent homelessness in the first instance; and

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

BE IT FURTHER RESOLVED, in order to successfully prevent homelessness and improve stability for families, the state must share its long-term vision on what role the state and counties will play in responding to and alleviating the homelessness crisis in many communities and how it will be funded, including addressing housing affordability in communities where that is an especially acute problem; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the Office for Temporary Disability Assistance and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #4**

**Resolution Calling on Governor Andrew M. Cuomo and the State
Legislature to Work with New York's Congressional Delegation to Ensure
any Congressional Efforts to Pass the Family First Prevention Services Act
Ensures Essential Fiscal Resources are Maintained to Support Families in
Need**

WHEREAS, the Family First Prevention Services Act, was considered in a prior Congress, but was not enacted; and

WHEREAS, there is a desire again to enact this legislation; and

WHEREAS, the legislation is well intentioned in that it would for the first time allow federal Title IV-E reimbursement for some preventive services to help children at risk of neglect or abuse; and

WHEREAS, the federal legislation also proposed extensive new reporting and information system requirements, eliminated federal funding for currently authorized services, imposed restrictive administrative and implementation barriers, put in place punitive maintenance-of-effort funding requirements, among other shortcomings and oversights; and

WHEREAS, should this federal legislation advance, New York's Office of Children and Family Services estimates that New York State and its counties could lose up to \$250 million annually in currently available federal funds for child welfare; and

WHEREAS, the counties of New York fund a sizable percentage of these child welfare services with locally raised property taxes and other revenues; and

WHEREAS, New York State and its counties have provided prevention services for this population without any federal matching funds for decades and this bill would provide no credit to states like New York that were proactive and early adopters in providing prevention services for children and families at risk; and

WHEREAS, Governor Cuomo, on behalf of the New York State Office of Children and Family Services (OCFS) sent letters to United States Senators' Charles E. Schumer and Kirsten E. Gillibrand notifying them of the harmful impact this legislation would have on New York, and also provided suggested amendments; and

WHEREAS, some of specific amendments requested included expanding the 12-month time limit for Mental Health and Substance Abuse Prevention funding not to exceed 24 months when certified by a qualified mental health or substance abuse clinician; Aid to

Families with Dependent Children (AFDC) delinking; and placement settings for 16-17-year-olds; and

WHEREAS, the loss of federal funding and the restrictions within the current bill will jeopardize child welfare services in New York State.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the State Legislature to work closely with New York's Congressional Delegation to amend and improve the Family First Prevention Services Act so that early adopter states are not penalized by strict maintenance-of-effort provisions, that current federal reimbursement streams be maintained, and sufficient flexibility be provided to meet the unique circumstances in different states; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 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**

**2018 NYSAC Legislative Conference
Standing Committee on Native American Affairs and Gaming
Resolution # 1**

**Resolution Urging the State of New York and the Seneca Nation to Come to
Agreement on Gaming Revenue Sharing**

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

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

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

WHEREAS, in 2017 a dispute between the Seneca Nation and the State arose over the language within the compact, leading the Nation to stop revenue sharing payments to the State; and

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

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

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

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

WHEREAS, the Seneca Nation and the State of New York have elected to attempt to resolve this issue through arbitration, a process which can take months or even years.

NOW, THEREFORE, BE IT RESOLVED, that NYSAC calls on the State of New York and the Seneca Nation to expeditiously resolve their differences and reach an agreement to avoid catastrophic harm to public safety and public services; and

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

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Native American Affairs and Gaming
Resolution #2**

**Resolution Calling On the State to Use Existing Gaming Facilities if Sports
Wagering Becomes Legal in the New York State**

WHEREAS, on December 5, 2017 the United States Supreme Court heard oral arguments in Christie v. National Collegiate Athletic Association; and

WHEREAS, at issue is the Federal Professional and Amateur Sports Protection Act of 1992, which restricts sports gambling and sports gambling operations to four states (Nevada, Oregon, Delaware, and Montana); and

WHEREAS, in early 2018 the Supreme Court could strike down existing federal law and in turn all 50 states may regulate sports gambling in the near future; and

WHEREAS, already New York State Legislators are drafting bills in anticipation of this federal change, in order to legalize and control how sports betting can operate in New York; and

WHEREAS, if New York State allows for and regulates sports gaming, they must recognize and utilize local gaming facilities already in place, serving local residents, and providing local jobs and revenue such as OTB's, racinos, horse and harness tracks, and casinos.

NOW, THEREFORE, BE IT RESOLVED, if sports gaming is legalized in New York, NYSAC calls on the State to distribute an equitable percentage of income and gaming revenues to local governments and to use preexisting gaming facilities 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 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Public Employee
Relations**

**Mary Krause, Ontario County, Chair
Julie Carr, Cattaraugus County, Vice-Chair
Brayton Connard, Monroe County, Vice-Chair**

**2018 NYSAC Legislative Conference
Standing Committee on Public Employee Relations
Resolution #1**

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the State of New York to fully fund this mandated salary increase as part of the 2018-19 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.

**2018 NYSAC Legislative Conference
Standing Committee on Public Employee Relations
Resolution #2**

**Resolution Calling on the State to Pay for Any Required Increases in Cost to
the Child Protective Service Program**

WHEREAS, in 2017 the State Legislature passed a bill attempting to set a workload standards cap of no more than fifteen active cases per month per full time child protective services worker; and

WHEREAS, this bill was appropriately vetoed by the Governor, stating the bill was deficient due to applying a one-size-fits all approach across the State and perhaps more importantly, this bill was passed outside the State Budget process and allocated no funding to Counties for this potentially enormous increase in costs; and

WHEREAS, child protective services are paid for by our county governments; and

WHEREAS, every county has unique challenges providing this service such as geography, population, economics, and demographics that make one statewide case-cap standard illogical; and

WHEREAS, due to the fact that each county has unique challenges, it is the county themselves and the county DSS commissioners that are best situated to understand and manage caseload assignments; and

WHEREAS, a one-size fits all standard of case-caps does not address the increased costs that this cap would cause, nor recognize case severity and oversight needs, along with each case worker's experience and skill level; and

WHEREAS, counties cannot meet any new state unfunded mandates while maintaining the state-imposed property tax cap.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the Governor and the Legislature to abstain from passing these types of caseworker cap bills without covering 100 percent of the costs to support these new positions; 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.

**2018 NYSAC Legislative Conference
Standing Committee on Public Employee Relations
Resolution #3**

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

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

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

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

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

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

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

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

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

WHEREAS, this negligence standard under the Scaffold Law would not ban recovery

for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker's actions contributed to his or her injury; and

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

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

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

BE IT FURTHER RESOLVED, that copies of this resolution 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.

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Public Employee Relations
Resolution #4**

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 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; 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 2017 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.

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 2018-19 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

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

**Joseph Todora, Sullivan County, Chair
Hon. Michael Amo, Orange County, Vice-Chair
Linda Beers, Essex County, Vice-Chair**

**2018 NYSAC Legislative Conference
Standing Committee on Public Health and Mental Health
Resolution #1**

Resolution Calling on the Office of Alcoholism and Substance Abuse Services and the Governor to Provide State Funding to Support the Treatment and Transition Services to Individuals with Substance Use Disorders (SUD) Who are Incarcerated in County Jails

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 state is taking aggressive steps to address the heroin/opioid epidemic, including the rapid expansion of community-based treatment and support services to create a continuum of care to support the individual and family in their recovery; and

WHEREAS; there remains a significant gap in the treatment and support in the continuum of care being developed by the state and that is available in local jails; and

WHEREAS, individuals who suffer from SUD's frequently come into contact with the criminal justice system; and

WHEREAS, the link between offending and SUDs is well established, bringing significant numbers of individuals suffering from addiction into NYS jails; and

WHEREAS, alcohol and drugs are implicated in roughly 80 percent of offenses, including domestic violence, DWIs, property offenses, drug offenses, and public order offenses; and

WHEREAS, according to a report conducted by Policy Research Associates on behalf of the NYS Conference of Local Mental Hygiene Directors, that surveyed County Sheriff's indicated that of the individuals detained in their jail on drug-related charges, 68 percent had been in their jail before; and

WHEREAS, jail incarceration provides a unique opportunity to offer treatment supports during periods when people are clean and sober; and

WHEREAS, just over 50% of New York State localities report that they have no funding for SUD treatment services in their jails; and

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

WHEREAS, 51 percent of jails have no funding for substance use disorder treatment services despite strong evidence that these services reduce crime, save money, and save lives and 53 percent of jails do not have the capacity to directly transition addicted inmates to community treatment programs upon re-entry; and

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

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

WHEREAS, the benefits of providing effective SUD services in the jail setting have proven significant where they occur and a handful of localities in New York State have been able to support a level of service through local funding are reaping significant benefits; and

WHEREAS, in Albany County, the jail-based Sheriff's Heroin Addiction Recovery Program (SHARP) provides SUD treatment during incarceration and support services after release, resulting in a 28% reduction in recidivism rate; and

WHEREAS, New York State's own analysis of the costs and benefits of jail-based SUD treatment found that communities realize a savings of \$2,846 per person served and that there are 13 fewer victimizations per 100 people served; and

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

WHEREAS, counties are requesting funding of \$12.8 million annually to the LGU's to address the existing gap in the SUD treatment continuum and support efforts to reduce

the human cost of the heroin/opioid epidemic on New Yorkers, and reduce recidivism and victimization.

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 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 the Office of Alcoholism and Substance Abuse Services, and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
Standing Committee on Public Health and Mental Health
Resolution #2**

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

WHEREAS, the prevention and population health activities of county health departments and New York City are essential to the overall health of the state's residents and communities, and crucial to the success of the state's Medicaid Redesign Team efforts; and

WHEREAS, unhealthy community environments lead to incidents such as the discovery of PFOA in drinking water supplies in Rensselaer County and other areas of the state, which has presented significant disease risks to the residents of these communities; and

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

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

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

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

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

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

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

WHEREAS, New York State Department of Health (DOH) has frequently applied changing and inconsistent standards in what it allows as state aid claims; and

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

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

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

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

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

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

WHEREAS, more than 50 of the State's 58 local Health Departments bear responsibility for ensuring access to Early Intervention (EI) services; and

WHEREAS, the State's NYEIS system and state fiscal agency takeover have been plagued with problems resulting in increased administration costs and lower reimbursements for counties; and

WHEREAS, this additional fiscal burden for EI has a negative impact on counties' ability to provide funding for core public health services.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor to reject the proposed funding pools and restore the proposed 20% reduction in funds and compensate, within the 2018-19 Executive Budget and subsequent budget years, for significant state funding cuts to local health departments since 2010 by taking the following steps in the Article 6 State Aid for General Public Health Work base grants and reimbursement rates:

1. Instruct the Division of Budget and NYSDOH to end administrative actions that will result in further erosion of state aid to local health departments;
2. Increase the base grants that ensure more of the public health services are eligible for 100 percent 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 with 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.
3. Increase the beyond-base-grant state aid reimbursement rate from 36% to 38%.
4. Provide 100% reimbursement for the first full year of any new and/or significantly expanded mandates emerging from law, rule or regulation; and

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Public Health and Mental Health
Resolution #3**

**Resolution Calling on the Office of Mental Health and the Governor to
Ensure Long Term Viability to OMH Funded Housing Programs for
Individuals with Serious Mental Illness Through Support of the “Bring It
Home” Initiative**

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

WHEREAS, the OMH funded housing system currently serves approximately 40,000 individuals with serious psychiatric disabilities, who often have significant medical conditions and substance use disorders; and

WHEREAS, the OMH community based housing programs include several levels of care including, Community Residences (CRs), Apartment Treatment Programs (Treatment Apartments), Supported Scatter-Site Housing (Supported Housing), Community Residence – Single Room Occupancy (CR-SRO), and Supported Single Room Occupancy (SP-SRO); and

WHEREAS, these OMH Housing program models were developed over 30 years ago in the late 1970’s and early 1980’s and the requirements for the services and the staff needed to provide the services reflect the needs of clients at that time; and

WHEREAS, these programs are expected and required to serve the clients with the highest and most challenging psychiatric 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, the program models originally were not created to serve these clients and the state has consistently failed to provide adequate funding to effectively support services to those with the highest needs; and

WHEREAS, for example, the Community Residences and Supported Single Room Occupancy (SP-SRO’s) programs have received a total increase of just 10% over the last 27 years – less than 3 tenths of a percent per year; and

WHEREAS, the licensed Community Residence program – the highest level of care in the state outside of a hospital - is struggling under minimal staff levels that were developed in 1984, when clients had much fewer and less challenging needs;

WHEREAS, the County Directors of Community Services (DCSs) are responsible for operation of the Assisted Outpatient Treatment (AOT) programs in their counties which is the court-ordered outpatient treatment which includes ensuring safe and appropriate housing; and

WHEREAS, DCSs throughout the state report significant waiting lists for housing and it is becoming increasingly more difficult to find an OMH housing bed that both offers the high level of services needed and that is staffed appropriately to safely serve the population; and

WHEREAS; the insufficient housing reimbursement is further reducing capacity and cutting access to care as housing providers will be left no choice but to close a portion of their existing housing beds which will cut off access to this vital resource for AOT and other high-needs clients; and

WHEREAS; Decades without an adequate rate increases for OMH Housing has pushed housing providers to their tipping point where they will be forced to take down critically needed housing beds which will create a crisis situation; and

WHEREAS, the new supportive housing units the state has promised to develop will be funded at a much higher rate than the exact same existing units; and

WHEREAS, housing is the single most significant social determinant to health outcome and if individuals cannot be housed safely, all other state investment in their recovery will be undermined.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and the Office of Mental Health to support the “Bring it Home” campaign’s request for \$125 million in funding to preserve the long-term viability of the existing 40,000 units of OMH Housing and ensure New Yorkers with serious mental illness and other complex conditions have access to the housing they deserve; and

BE IT FURTHER RESOLVED, that copies of this resolution shall 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, the State Office of Mental Health, and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, New York**

Standing Committee on Public Safety

Hon. Ron Spike, Yates County, Chair
Hon. Matthew Veitch, Saratoga County, Vice-Chair
Hon. Martha Robertson, Tompkins County, Vice-Chair

**2018 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #1**

**Resolution Calling on the Governor and the State Legislature to Provide
Funding for the State Mandate Pertaining to Inmate Supervision/Drug
Overdose Precautions at County Operated Correctional Facilities**

WHEREAS, State law requires that each county in New York “maintain a county jail,” under County Law; Section 217, which further requires that within each county “the sheriff ... shall have custody of the county jail” and that they “receive and safely keep in the county jail of his county each person lawfully committed to his custody;” and

WHEREAS, this is the case in each county, except for New York City and Westchester, where a separate Department of Corrections has been established to manage their jails; and

WHEREAS, all local corrections institutions in New York State are overseen by a constitutionally-created Commission on Correction (SCOC) charged with “visiting and inspecting or causing to be visited and inspected by members of its staff, all institutions used for the detention of sane adults charged with or convicted of crime”; and

WHEREAS, in a local correctional facility, the sheriff’s office is responsible for ensuring the safety, health, and security of all individuals who are committed to the custody of the sheriff; and

WHEREAS, in 2016 the SCOC Chairman issued a memorandum requiring inmate supervision for drug and alcohol overdose prevention immediately following intake of an individual to the jail suspected of being under the influence of drugs or alcohol; and

WHEREAS, while this practice is helpful to ensure safety, health, and security, without the proper funding, manpower and training for correction officers it is hard to implement appropriately.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor and the New York State Legislature to support the efficient and satisfactory implementation of this dedicated supervision by providing funding necessary to accommodate the increase in financial burden placed on taxpayers by mandating this dedicated supervision; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, Chairman of the State Commission On Corrections, the New York State Legislature and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #2**

Resolution in Support of Efforts to Improve Probation and Alternative 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 was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2017, putting a huge strain on counties and cost to county property taxpayers; and

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

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

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

In response to Raise the Age legislation:

- * 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.
- * 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 Raise the Age legislation.
- * 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.

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

BE IT FURTHER RESOLVED THAT NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, Deputy Secretary for Public Safety Letizia Tagliafierro, the New York State Legislature and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #3**

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

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

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

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

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

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

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

WHEREAS, operating local jails imposes a significant cost to counties and it is important to implement policies that require the state to be responsible for the costs of detaining state parole violators.

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

BE IT FURTHER RESOLVED, that copies of this resolution 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.

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

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

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

WHEREAS, under current law, for the last two budget years, \$10 million was authorized and targeted directly to PSAPs and up to \$65 million was set aside for the provision of grants and reimbursements to counties administered by the state interoperable communications grants (SICG) program, administered by the division of homeland security; and

WHEREAS, to our understanding a total of \$150 million has been authorized for county 9-1-1 purposes, but only \$20 million has been released (\$20 million for PSAPs over the two years, while \$45 million for authorized purposes from the SFY 2016-17 Budget under a new formula based methodology, while identified, has not been made available to draw down yet); and

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

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

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

BE IT FURTHER RESOLVED, releasing these funding obligations on a regular schedule will provide certainty and build continuity as we upgrade and maintain existing systems and prepare for NextGen 9-1-1 development and implementation at the county level; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the Commissioner of The Division of Homeland Security and Emergency Services and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, NY**

Standing Committee on Taxation and Finance

Hon. Arthur Johnson, Saratoga County, Chair
Hon. Terri L. Ross, Allegany County, Vice-Chair
Hon. James Maloney, Ulster County, Vice-Chair

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Taxation and Finance
Resolution #1**

**Resolution Urging the Governor and New York State Legislature to Enact
Legislation to Eliminate the “Dark Store Theory” in New York State Real
Property Tax Law as a Way to Reduce Property Assessments in Tax
Certiorari Proceedings**

WHEREAS, New York State Real Property Tax Law Section 305 requires all assessor’s in New York State to assess real property at a uniform percentage of value in each assessing unit; and

WHEREAS, owners of real property in New York State are to be assessed on the basis of the building as it existed on the taxable status date; and

WHEREAS, assessors in New York State are required to assess property as it is being used (“*Value in Use*”) on March 1st of each year; and

WHEREAS, assessors when valuing property utilize all three approaches to value:

- * The Cost Approach,
- * The Income Approach, and
- * Sales; and

WHEREAS, the best indicator of value is the sale of a similar use comparable property; and

WHEREAS, the “Dark Store Theory” relies on the use of shuttered, deed restricted and abandoned properties that are in no way similar to lighted stores as comparable properties; and

WHEREAS, several recent court decisions in varying judicial districts have adopted the “Dark Store Theory” in their decisions; and

WHEREAS, the potential loss of real estate value and related tax revenue may run into the hundreds of millions of dollars statewide; and

WHEREAS, the lost real estate tax revenue will be shifted and redistributed to all other taxpayers in each affected taxing jurisdiction throughout New York State; and

WHEREAS, the States of Michigan, Indiana and Texas have all experienced a similar destruction to their tax base by way of “The Dark Store Theory” being used; and

WHEREAS, the loss and shifting of tax revenue has led to the reduction of essential municipal services in other states, and

WHEREAS, heavily impacted states across the nation are advancing similar legislation.

NOW THEREFORE BE IT RESOLVED, the New York State Association of Counties calls upon Governor Andrew M. Cuomo and the New York State Legislature to enact legislation that mandates sound appraisal theory in the valuation of real property for taxation purposes in the New York State Real Property Tax Law that eliminates the “Dark Store Theory” as an argument to lower property value in New York; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Taxation and Finance
Resolution #2**

Resolution Urging the State to Enact Legislation to Ensure a Fair and Level Playing Field for All Retailers by Addressing Shortfalls in Internet Sales Tax Collection Practices

WHEREAS, the State has identified significant loopholes in certain Internet-based sales tax collection practices and the State estimates that more than \$300 million annually in state and local sales taxes are not being collected; and

WHEREAS, the Governor has proposed legislation to correct this inequity by requiring marketplace providers that facilitate online transactions to collect the sales tax that is due on these transactions on behalf of vendors using these online portals, while not changing current rules regarding sales tax nexus; and

WHEREAS, Internet-based sales transactions through marketplace providers is estimated to be growing at annual rates of 15 percent; and

WHEREAS, enacting such legislation will streamline sales tax collection practices and reduce burdens on small vendors and improve compliance; and

WHEREAS, a more efficient, modern, and fairer system of collecting sales tax owed under state law will provide critically important revenues for counties, towns, cities, villages and some school districts, and help local governments keep property taxes lower; and

WHEREAS, providing an easy to use platform for large, highly experienced Internet transaction facilitators to collect sales tax on behalf of their participating vendors will create a fairer and more balanced marketplace for local “bricks and mortar” New York based retailers, as well as New York based online vendors; and

WHEREAS, these improvements recognize the changing retail marketplace and will provide more stability in sales tax collections for the state and local governments while enhancing fairness in the overall retail market that supports locally owned and operated New York businesses.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State to enact legislation that treats all marketplace providers as persons required to collect sales taxes, therefore reducing the need for

many vendors to collect this tax on their own and creating a level playing field for retailers; and

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

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

**2018 NYSAC Legislative Conference
NYSAC Standing Committee on Taxation and Finance
Resolution #3**

Resolution Urging State Legislative Leaders to Focus Their Property Tax Relief Efforts on Fiscal Reforms that will Lead to Permanent and Historic Property Tax Reduction by Assuming the Cost of State Programs that Counties Are Currently Required to Pay for Under State Law

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

WHEREAS, the Governor and State Legislature have enacted several laws over the last few decades designed to address New York's highest in the nation property taxes, including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze and rebate check program, and two separate temporary state matching grant program for eligible local government shared services efforts; and

WHEREAS, for decades, counties and other local governments have implemented, and continue to implement, thousands of shared services projects and other government efficiencies; and

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

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

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

WHEREAS, state imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the State Capitol so they can be used in lieu of state raised revenues 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, we attribute the practice of using local revenues to subsidize statewide spending initiatives as the number one reason why New York's property taxes are the highest in the nation.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to focus on enacting a phased-in state takeover of the costs of its own mandated human services, starting with Medicaid, that would provide immediate, permanent, and measurable county property tax reductions and lower tax rates for New York City residents; and

BE IT FURTHER RESOLVED, that copies of this resolution shall 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.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2018 NYSAC Legislative Conference
Albany County, NY**

Standing Committee on Transportation

**Hon. Shawn Doyle, Oswego County, Chair
Sandra Fusco, Putnam County, Vice-Chair**

**2018 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #1**

**Resolution Urging Increasing and Consolidating Local Road, Bridge and
Culvert Funding Distributed through CHIPS**

WHEREAS, funding for the Consolidated Local Streets and Highway Improvement Program (CHIPS) and enhanced State assistance to local governments through BRIDGE NY, PAVE NY and Extreme Winter Recovery initiatives in the latest state budget is helping counties to meet the overwhelming needs of the locally-owned transportation systems; and

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

WHEREAS, studies show that half of local road pavements are rated fair or poor; and

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

WHEREAS, programs designed to direct state funding directly to local transportation infrastructure needs such as CHIPS, PAVE NY, BRIDGE NY and Extreme Winter Recovery are undoubtedly helping to improve the conditions of New York's roads, bridges and culverts as more of these critical projects are being funded each year; and

WHEREAS, with the state seeking hundreds of millions of additional dollars to address the critical and deserving needs of the NYC transit system, the state's commitment to MTA-NYSDOT capital plan parity will mean the historical expectation of a comparable increase in funding to address the unmet needs of state and local transportation infrastructure; and

WHEREAS, CHIPS is the financial lifeblood of any local highway department, distributing vital and reoccurring state funding through a formula to every local government in the state yet the 2017-2018 State Budget holds the base level for CHIPS at \$438M for the fifth year in a row; and

WHEREAS, a safe and efficient statewide integrated transportation system is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) commends Governor Cuomo and the New York State Legislature for recent budget actions enacted to enhance state investments in local roads, bridges and culverts, and urges that the state assistance to local highway departments continues at increasing levels and that the state's commitment to MTA-NYSDOT parity be further honored; and

BE IT FURTHER RESOLVED, that state elected officials continue to partner with local governments and agree to increase CHIPS funding and consider consolidating Extreme Winter Recovery funds if available and PAVE NY into the CHIPS funding base in the future, the total of which to be distributed through the CHIPS formula, thus building on a program that provides a fair distribution of funds to every municipality in the state and maximizes flexibility for local highway departments to direct this funding to priority maintenance, pavement preservation, and bridge and culvert rehabilitation projects where it is needed most; and

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

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

**2018 Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #2**

**Resolution Urging Enactment of Legislation to Increase the CHIPS Bidding
Threshold**

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

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

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

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

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

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

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

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

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

**2018 NYSAC Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #3**

**Resolution Urging that 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, airports are economic engines fueling growth in the communities they serve; 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 billion in annual economic activity in New York State and more than 500,000 NY based jobs in aviation or aviation-related industries, generates \$25 billion in payroll and well over \$6 billion in state and local tax revenue annually; and

WHEREAS, in 2016 Governor Andrew Cuomo initiated a \$200 million state investment to revitalize New York State airports and subsequent enacted budgets have included increased 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 thus far awarded four airports approximately \$40 million each to fund projects that enhance safety, improve operations and access, reduce environmental impact, create better passenger experiences and leverage private investments; and

WHEREAS, the Competition is expected to make the final award to one additional airport in upstate New York, exhausting the Competition funding and leaving a majority of airports in need of state assistance, even accounting for recent increases in the Aviation Capital Grant Program annual appropriations; 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 level of state financial commitment falls short of what is needed by the large number of remaining

airports in New York, many of which are owned by counties and other local governments; and

WHEREAS, New York has no dedicated funding 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 NYSAC urges the Governor and the Legislature to provide recurring and reliable funding for the maintenance and development of all the State's airports through a reauthorization and new round of funding for the Competition to Revitalize Upstate Airports initiative and making permanent and increasing funding for the Aviation Capital Grant Program; 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 NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2018 Legislative Conference
Standing Committee on Transportation and Public Works
Resolution #4**

**Resolution Urging Enactment of Legislation to Assure Effective Control of
Wildlife Populations at Airports and Surrounding Areas**

WHEREAS, wildlife populations can pose a threat to aviation operations in and around airports and, in some instances, has caused significant damage to aircraft and lengthy flight delays; and

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

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

WHEREAS, according to FAA data, more than 1,000 deer have been hit by airplanes across the country in the past two decades, causing millions of dollars in aircraft damage, major delays at airports and injuries to pilots and passengers; and

WHEREAS, controlling wildlife populations around airports is critical to ensuring the safety of travelers and aircraft crews; and

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

WHEREAS, some previously permitted wildlife management methods are now being restricted with the potential for negative impacts on the safety of airport operations, making it more difficult for airports to effectively keep the runways and facilities clear of animal obstructions and interference and safe for aircraft and passengers; and

WHEREAS, legislation introduced, S6853/A8646, will make it clear that certain successful wildlife management techniques remain available by permit in a strictly controlled manner.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties supports this legislation to authorize government employees acting in an official capacity or persons acting pursuant to a permit to continue to effectively control

wildlife populations in areas surrounding airports to assure safety for pilots, passengers and flight crews.

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