



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2017 Legislative Conference Resolutions

**Albany County, New York
January 30 - February 1, 2017**

Hon. William Cherry, President

Stephen J. Acquario, Executive Director

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NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2017 NYSAC Legislative Conference
Albany County, New York**

Board of Directors

Hon. William Cherry (Schoharie County) – President

Resolution Calling on Counties to Adopt the Stepping Up Initiative

WHEREAS, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year; and

WHEREAS, mental illnesses in jails is estimated to be three to six times higher than in the general population; and

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails also have substance use disorders; and

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism; and

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

WHEREAS, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and

WHEREAS, all counties take pride in responsibly using tax dollars to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

WHEREAS, through *Stepping Up*, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental illnesses in jails.

NOW, THEREFORE, LET IT BE RESOLVED, that the New York State Association of Counties supports the call to action to reduce the number of people with mental illnesses in our county jails, commits to sharing lessons learned with other counties in to support a national initiative, and encourages all county officials, employees and residents to participate in *Stepping Up*, and we resolve to utilize the comprehensive resources available through *Stepping Up* to:

Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reducing the number of people with mental illnesses in jails.

Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk, and use

that baseline information to guide decision making at the system, program, and case levels.

Examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.

Develop a plan with measurable outcomes that draws on the jail assessment and prevalence data and the examination of available treatment and service capacity, while considering identified barriers.

Implement research-based approaches that advance the plan.

Create a process to track progress using data and information systems, and to report on successes.

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

2017 NYSAC Legislative Conference
Board of Directors
Resolution # 2

Resolution Thanking the Governor and the State Legislature for Making Heroin and Opioid Abuse Prevention a Top Public Safety, Public Health, and Mental Health Priority in New York State in 2017

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the CDC report showed from 2002-2004, 379,000 Americans reported using heroin within a 12-month period, a statistic that nearly doubled by 2011-12, when the number increased to 663,000 Americans reporting using the drug; 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 serves on, to address the nation's opioid and heroin abuse crisis.

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 to continue to do so until the epidemic is defeated; 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.

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 couple of decades designed to address New York's highest in the nation property taxes, including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze program and a new temporary tax rebate check program; and

WHEREAS, the Governor has proposed a new "property tax relief" program that requires county officials to design local government shared service programs and/or complete local government consolidations in order to reduce pressure on local property taxes; and

WHEREAS, the Governor's proposal requires county officials to submit such proposals in a referendum to the people for a vote on an annual basis until one is approved; and

WHEREAS, counties and other local governments are implementing thousands of shared services projects and other government efficiencies; and

WHEREAS, current state law has a process to allow local governments to consolidate subject to voter approval; and

WHEREAS, holding additional voting annually will require local governments to incur tens of millions of dollars in unnecessary voting costs; and

WHEREAS, the Governor and State Legislature have enacted state tax rebate check programs and tax breaks for select special interest groups and industrial sectors, not including STAR, and state income tax cuts that will exceed \$7 billion on an annual basis – none of which reduce any homeowner's or small businesses' property tax bills; and

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

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

WHEREAS, these 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 by the state in lieu of state raised taxes to pay for state programs and initiatives; and

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

WHEREAS, since the enactment of these mandate relief initiatives the growth rate in aggregate county property taxes has slowed dramatically, generally averaging under 2.2 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 actually lower them from today's levels; and

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (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 property tax reduction helping to narrow the negative tax gap with our competitor states; and

BE IT FURTHER RESOLVED, NYSAC supports shared services and has been ever vigilant in the search for increased operational efficiencies at all levels of government. Our goal is the reduction of property taxes in New York State, but in order for a realistic discussion to take place, school taxes and how public education is funded must be a part of the solution. School taxes account for approximately 60% of local property tax bills, and county taxes account for about 20% of that annual tax bill. Furthermore, of the 20% county share, NY State mandates are responsible for almost all of that tax bill. Shared services and consolidation efforts, while laudable, are simply not the answer to the much larger issue of high property taxes in this state. Any solution to that problem must include the addressing of school taxes and unfunded state mandates. NYSAC therefore rejects the consolidation plan and referendum proposal as presented by the Governor as being incomplete in its scope.

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

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 1counties of New York State encouraging member counties to enact similar resolutions; and

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

Resolution Calling On State Lawmakers and the Governor to Work to Reform Indigent Legal Services and Fund the County Share of Public Defense, which is a State Responsibility

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

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

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

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

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

WHEREAS, in 2015 New York State entered into an agreement to settle the Hurrell-Harring vs. State of New York lawsuit and since has begun to expend substantial amounts of State funds to create a more equitable system of indigent representation in only the five settlement counties, therefore creating an unequal system of justice in the remaining counties of the State; and

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

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant and unsustainable financial burden on counties dependent on real property taxes to fund needed services; and

WHEREAS, in the 2016 State Legislative Session the New York State Senate and Assembly passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706), which will require New York State to reimburse all counties for

expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% by 2023 and thereafter; and

WHEREAS, NYSAC appreciates the State Senate and the State Assembly for recognizing and addressing this need by passing the Public Defense Mandate Relief Act; and

WHEREAS, on December 31, 2017, Governor Cuomo vetoed the Public Defense Mandate Relief Act (S.8114/A.10706); and

WHEREAS, in the Governor's veto message he states this legislation would unfairly shift this tax burden from the counties to the state; and

WHEREAS, the opposite is true; the state has been shifting these federally-mandated costs to the counties since 1965.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on Governor Cuomo to include language in his 2017-18 State Budget that reforms indigent legal defense services and provides mandate relief that lowers costs for county property 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; the Office of Indigent Legal Services, and all others deemed necessary and proper.

Resolution Urging the Governor and State Legislature to Hold Counties Harmless from Any Lost Federal Medicaid Reimbursement if Provisions of the Affordable Care Act Are Repealed, or Federal Medicaid Reimbursements to States Are Capped

WHEREAS, the incoming President and Congress have indicated they plan to repeal and replace the Affordable Care Act; and

WHEREAS, Congress is also considering capping federal Medicaid reimbursements to states through a block grant or per capita cap; and

WHEREAS, the Affordable Care Act provides significant fiscal benefits to the State, counties and New York City through expanded Medicaid coverage and enhanced federal Medicaid matching rates; and

WHEREAS, counties and New York City are currently saving nearly \$600 million annually from these enhanced federal Medicaid matching payments; and

WHEREAS, the New York State Association of Counties estimates that these savings will continue to grow over the next several years; and

WHEREAS, this federal fiscal relief, in conjunction with other state mandate relief initiatives and county actions to lower costs for taxpayers, has enabled more than half the counties to lower their property tax rates and nearly one-third to lower their property tax levies in recent years; and

WHEREAS, if these enhanced federal Medicaid matching funds are lost, every county in the state would experience significant increases in their annual Medicaid costs that would far outstrip their ability to maintain the state imposed property tax cap.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and State Legislature to hold local taxpayers fiscally harmless from any federal changes to the Affordable Care Act or Medicaid financing so we may preserve the gains that have been made so far due to the enhanced federal Medicaid matching rates available under the Affordable Care Act; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2017 NYSAC Legislative Conference
Albany County, New York**

Standing Committee on Agriculture

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

2017 NYSAC Legislative Conference
Standing Committee on Agriculture
Resolution #1

**Resolution Urging the Governor and State Lawmakers to Sustain Funding
for Farmland Preservation**

WHEREAS, the enacted 2016/17 state budget included \$30,915,000 in agricultural funding aid to localities; and

WHEREAS, the Governor's 2017/18 proposed budget, released on January 17, 2017, allocated \$20 million to farmland preservation, and \$21,459,000 to agriculture local assistance programs; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) supports the historic commitment New York State has made toward farmland preservation; and

BE IT FURTHER RESOLVED, that NYSAC calls upon the Governor and State Legislature to sustain this level of funding in future state budgets and continue New York's significant commitment to farmland preservation; 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

**2017 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**

Resolution Urging the Department of Health and the Division of Budget to Identify All Outstanding Claims and Prioritize Reimbursing County Costs for Early Intervention Services That Were Provided and Paid for by Counties Prior to the State Fiscal Agent Administrative Takeover and Remain Unreimbursed

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

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

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

WHEREAS, NYSDOH and a special work group of counties that have been in place for over two years has made minimal progress due to a lack of dedicated resources and prioritization by NYSDOH; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties calls on the Department of Health and the Division of Budget to dedicate the resources to ensure the repayment of these outstanding claims to all counties including New York City a top priority with payments issued in the first quarter of the 2017-18 State Fiscal Year; 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.

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

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

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

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

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

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

WHEREAS, we commend the Governor on his 2017/2018 state budget proposals for prioritizing and requiring providers to enforce current insurance regulations regarding payment of Early Intervention service claims in an attempt to increase commercial insurance collections; and

WHEREAS, the Governor's proposal was rejected in the final 2016/2017 enacted budget, we strongly encourage the Legislature to support the requirement of timely provider claims in the final 2017/2018 state budget; 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 cities and state pay including, but not limited to, waived services, and resubmit those to Medicaid to identify if a child's coverage changed. We ask that Medicaid instead pay the claims in first instance, so that counties don't have to pay upfront and then receive these monies many years later.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and the State of New York to implement policies and procedures to ensure that provider claims are filed in a timely manner to commercial insurance providers and Medicaid; and

BE IT FURTHER RESOLVED, that the final 2017/2018 budget include a requirement for all providers to enroll in 835 electronic remits and a timely filing requirement; and

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

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

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

2017 NYSAC Legislative Conference
Standing Committee on Children with Special Needs
Resolution #3

Resolution Urging the Governor and State Legislature to Adhere to the Law as it Applies to the State Fiscal Responsibility for Preschool Special Education and Eliminate County Responsibility for Summer School Special Education Programs

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

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

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

WHEREAS, these recommendations were never enacted; and

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

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

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

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

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

WHEREAS, in the 2017/2018 Executive Budget, Governor Cuomo proposed to shift \$22 million in committee on special education (CSE) administrative charges to New York City by requiring them to fund 100% of the fiscal responsibility, with the justification of aligning costs with the entity making placement decisions; and

WHEREAS, school districts statewide make similar decisions in all of the counties for preschool special education (4410 program), but do not share in any of the program costs.

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 adhere to the law as it applies to the county fiscal responsibility for the preschool special education program (4410) at no more than 25% as intended at the inception of the program to help reduce pressure on property taxes; and

BE IT FURTHER RESOLVED, to eliminate county responsibility for school age summer school special education (4408) programs; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties objects to the Governor's proposal to shift \$22 million in CSE costs to New York City; 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.

Resolution Calling for the Revamping of Outdated NYSED Preschool Special Education Service Program Reimbursements and Waiver Review Process for Contracted Service Agencies

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the State Legislature to undertake a thorough review of how NYSED and the State can improve transparency and accountability in the preschool special

education program, including matters of retroactive rate-setting for providers, and supporting county efforts to improve accountability to local taxpayers; and

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

Resolution Urging the Governor and the New York State Legislature to Continue to Reform and Improve the Early Intervention Program to Better Serve Children and Families

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

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

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

WHEREAS, providers listed in the NYEIS database are frequently unavailable to service a child due to factors including the area in which the child resides, provider only accepting referrals for one (1) or two (2) children enrolled in the Early Intervention Program (EIP) due to other commitments outside of the EIP, provider case load is full and/or the provider no longer works for the EIP although is still listed in the NYEIS; and

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

WHEREAS, the existing number of rendering providers are inadequate to meet the needs of the currently enrolled EIP children and their families and for this reason NYSAC supports and advocates for necessary reforms to address this issue and improve the Early Intervention Program.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls upon the Governor and New York State Legislature to consider reforms to the Early Intervention Program to ensure that counties will be held harmless; 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

**2017 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**

2017 NYSAC Legislative Conference
Standing Committee on Economic Development, Environment, and Rural Affairs
Resolution #1

Resolution Calling on Governor Cuomo and State Lawmakers to Invest and Implement Funding for a Statewide Workforce Strategy that Assists Locally-Driven Workforce Development Programs

WHEREAS, New York’s workforce system engages nearly a dozen agencies that receive funding from the federal and state level; and

WHEREAS, it operates in ten economic development regions, 33 designated workforce investment areas, and 62 counties; and

WHEREAS, New York State has added over 500,000 private sector jobs since 2011; and

WHEREAS, while the growth in private sector jobs is positive many jobs remain unfilled because support and funding for workforce development programs has not followed suit; and

WHEREAS, with the development of these private sector jobs, the jobseekers who do not have strong education, training or professional networks are not able take advantage of these new opportunities; and

WHEREAS, the New York Association of Training and Employment Professionals performed a study that analyzed spending on a broad range of workforce services including adult education, job training, and employment programs and discovered that spending has fallen by five percent since 2011; and

WHEREAS, developing a statewide workforce strategy the effectively serves employers and jobseekers must be able to:

- Connect workforce investments to the initiatives and priorities of statewide, regional, and local economic development needs,
- Focus policy and emphasis on a full pipeline of workers through community colleges, adult basic education and worker training,
- Aggressively pursue a wide array of funding sources including targeted state resources and funding that could be provided through the Regional Economic Development Councils (REDCs).

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on Governor Cuomo and state lawmakers to make a strong commitment to helping New York’s workers and business add the skills they need with a fully defined strategy and robust financial support; 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.

Resolution Supporting Efforts to Increase Access to Broadband Across New York State Through “The New NY Broadband Program” and Calling On Governor Cuomo and State Lawmakers to Continue Their Commitment to Prioritizing and Expanding Broadband Coverage in Unserved and Underserved Areas Statewide

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

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

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

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

WHEREAS, the BPO has released an (RFI), to solicit input from stakeholders on how to craft the program, and two rounds of request for proposals (RFP) to formally allow applications for this funding; and

WHEREAS, the BPO in January 2016 released information on Phase 1 Funding Applications and final applications were due April 15, 2016. Phase I awarded around \$54 million to telecommunication providers in August of 2016. This leaves roughly \$450 million still available.

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

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

BE IT FURTHER RESOLVED that 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 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 3.9 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.

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 prioritize this issue and 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 be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

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

Resolution Urging the New York State Public Service Commissioner to Work with Utilities to Determine the Cause of Delayed Interconnection Agreements and to Promote a Streamlined Interconnection Process for Connecting Existing and New Renewable Energy Projects to the Grid and Provide Immediate Relief to Delayed Projects

WHEREAS, in 2015 Governor Cuomo announced the state's goal of securing 50% of state electrical needs from renewable energy sources by the year 2030; and

WHEREAS, counties and municipalities across New York have identified contracting with solar and small hydroelectric power facilities as a way to stabilize energy prices and improve municipal budget forecasting; and

WHEREAS, encouraging solar development provides economic development support to a growing and major future industry upstate; and

WHEREAS, small hydroelectric projects are an historic economic driver in upstate New York, representing over 830MW of existing capacity that supports hundreds of upstate jobs, contributing significantly to the local economy through property taxes and local spending; and

WHEREAS, the aging small hydroelectric fleet is in need of significant re-investment to protect them from ceasing operations and undermining the State's goals; and

WHEREAS, the region's small hydroelectric projects have been operating successfully for decades with current interconnection agreements already approved by the local utility; and

WHEREAS, interconnection standards govern the process and technical requirements by which distributed clean energy projects such as solar and hydroelectric facilities physically connect to the utility grid; and

WHEREAS, standards include technical requirements, timeframes, fees and the process in which a project is connected to the grid; and

WHEREAS, meeting these requirements can be a lengthy process and renewable energy projects are often delayed for years before receiving an official interconnection agreement from the applicable utility; and

WHEREAS, counties have submitted interconnection applications that have been, in some cases delayed for over two years and that these delays are causing counties significant economic and political hardship and undermining community confidence in and support of renewable energy projects; and

WHEREAS, utilities have outlined procedures for newer interconnection applications, but there remains a host of older applications which fail to move through utility review; and

WHEREAS, the Public Service Commissioner should re-examine the allocation of capital costs by utility companies and remove barriers for renewable energy production; and

WHEREAS, in order to reach Governor Cuomo's statewide goal, counties need support from the Public Service Commission to advance projects that have been in the pipeline for years, to finally achieve interconnection from the utility.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the New York State Public Service Commission to identify and prioritize solutions to resolve the ongoing delays and related expenses of renewable energy projects due to stalled interconnection agreements; 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 Public Service Commission, the New York State Legislature and all others deemed necessary and proper.

Resolution Urging the New York State Department of Environmental Conservation, the New York State Department of Health and the New York State Department of Agriculture and Markets to Acknowledge the Seriousness of Harmful Blue-Green Algae Blooms and to Dedicate Funding to Address Their Prevalence

WHEREAS, most algae are harmless and are an important part of the food web, but certain types of algae can grow quickly and form harmful algae blooms, which can cover all or portions of a lake leading to both environmental and public health concerns; and

WHEREAS, some species of algae can produce toxins that can be harmful to people and animals; and

WHEREAS, blooms of algae species that produce, or have the potential to produce, toxins are referred to as harmful algae blooms (HABs); and

WHEREAS, harmful algae blooms (HABs) occur when colonies of algae, simple plants that live in the sea and freshwater, grow out of control while producing toxic or harmful effects on people, fish, shellfish, marine mammals, and birds; and

WHEREAS, Cyanobacteria (also known as blue-green algae), are naturally present in lakes and streams in low numbers and are the most common type of blooms in New York; and

WHEREAS, HABs in general may be linked to 'overfeeding.' This occurs when nutrients (mainly phosphorus, nitrogen, and carbon) from sources such as lawns and farmlands flow to water sources (the sea, lakes, rivers, streams) and build up at a rate that 'overfeeds' the algae that exist normally in the environment; and

WHEREAS, depending on environmental conditions, cyanobacteria can grow very quickly and produce blooms with high numbers of cells; and

WHEREAS, Cyanobacteria can form blooms that discolor the water or produce floating scums on the surface of the water; and

WHEREAS, HABs does reduce the recreational value of a waterbody, effect tourism, property values, and economic development; and

WHEREAS, because it is hard to tell a HAB from other non-harmful algae blooms, it is best to avoid swimming, boating, otherwise recreating in, or drinking water with a bloom; and

WHEREAS; HABs cause a variety of ecological problems, such as reduced oxygen levels; and

WHEREAS, while the factors that cause cyanobacteria to produce toxins and other harmful compounds are not well understood; it is established that nutrient loads contribute to the problem; and

WHEREAS, people can get sick by eating shellfish containing toxins produced by these algae. Airborne HAB toxins may also cause breathing problems and, in some cases, trigger asthma attacks in susceptible individuals; and

WHEREAS, due to limited research and data on HABs and because the full cause of HABs are not fully understood, adequate funding is needed, and the state must dedicate resources to address factors believed to contribute to the prevalence of HABs and nutrient loading.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the New York State Department of Environmental Conservation, the New York State Department of Health and the New York State Department of Agriculture and Markets to make preventing HABs a top priority in the 2017/2018 state budget by dedicating a new allocation of \$20 million in funding to address the prevalence of HABs by working to address the root causes of HABs; and

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

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

Resolution Urging the Governor and the New York State Research and Development Authority to Dedicate Resources to Expand Access to Electric Vehicle Charging Stations in Every County Throughout the State

WHEREAS, the popularity of Electric Vehicles and alternative fuel vehicles continues to grow, but the majority of counties only have between 5 and 50 total electric or plug-in hybrid vehicles registered countywide; and

WHEREAS, expenses associated with purchasing and installing charging stations for electric vehicles have been cost prohibitive in the past; and

WHEREAS, federal and state programs to help residents buy electric vehicles (EVs) and to help business owners and municipalities install charging stations have increased, but more resources are needed; and

WHEREAS, the average cost of an electric car today ranges between \$25,000 and \$50,000 with luxury vehicles costing well over \$100,000; and

WHEREAS, most EVs on the road today have a mileage range between 15 and 80 miles on a single charge, with newer EVs holding a longer charge with increased mileage; and

WHEREAS, as of 2013, New York State provides an income tax credit for 50% of the cost, up to \$5,000, for the purchase and installation of alternative fuel vehicle refueling and electric vehicle recharging stations; and

WHEREAS, the credit is available through December 31, 2017, and is targeted at commercial and workplace charging stations; and

WHEREAS, today, there are 712 electric vehicle charging stations with a combined total of 1,465 charging outlets statewide; and

WHEREAS, charging stations are classified by their approximate charge rates and the form of power delivered (alternating current or direct current). Charging times for each specific vehicle vary depending on power electronics, state of charge, battery capacity, and level of charging station used; and

WHEREAS, NYSAC supports the expansion of electric vehicles, the installation of additional charging stations and advocates for additional state funding to help counties achieve these goals.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and the New York State Research and Development Authority to dedicate resources in the 2017/2018 state budget to promote the expansion of electric vehicles and access to electric vehicle charging stations; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2017 NYSAC Legislative Conference
Albany County, New York**

Standing Committee on Intergovernmental Affairs

Robert Hagemann (Jefferson County) – Chair

Hon. Peter Loughran (Ulster County) – Vice-Chair

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

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

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

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

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

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

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

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

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

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

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

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

DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund.

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

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

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

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, 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 \$203,000 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 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 as well; and

WHEREAS, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in District Attorney salaries; and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law resulting in a direct cost shift from the state to county taxpayers; 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, for some counties, this salary increase represented approximately one-third of their total allowable property tax growth for all government operation in 2016.

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 2017-18 budget, including a one-time amount for the retroactive salary increase that was not funded last year; and

BE IT FURTHER RESOLVED, NYSAC calls on the state to pay for this increase and any similar state mandated salary increase in future years; 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.

Resolution Supporting Efforts to Allocate New York State Resources and Funding to Regions, Counties and Municipalities That Want to Take Part in the US Census Bureau Local Update of Census Addresses (LUCA) Program

WHEREAS, the U.S. Census Bureau's Local Update of Census Addresses Program (LUCA) is the only opportunity offered to tribal, state, and local governments to review and comment on the U.S. Census Bureau's residential address list for their jurisdiction prior to the 2020 Census; and

WHEREAS, the Census Bureau relies on a complete and accurate address list to reach all living quarters and associated population for inclusion in the census; and

WHEREAS, by participating in LUCA it helps ensure an accurate decennial census count in communities across New York State; and

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

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

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

WHEREAS, this process has resulted in increased numbers and accuracy in delivery of the Census short form, thereby increasing participation rates and accurate counts for the past decennial Censuses.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports efforts to allocate New York State resources and \$350 million in funding to Regions, Counties and Municipalities that want to take part in the U.S. Census Bureau Local Update of Census Addresses Program and calls on Governor Cuomo and state leadership to commit to prioritizing local efforts for the local revision of the Census Master Address File and the Local Update of Census Addresses Program; and

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

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

Resolution Urging New York State to Cover the Added Costs of Early Voting

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

WHEREAS, it is anticipated the Governor's proposed 2017-18 State Budget will require counties to provide and staff early voting sites for all New York residents; and

WHEREAS, last year's Executive Budget also included a plan for early voting that called for early voting hours and access up to 12 days prior to all special, primary, and general elections; and

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

WHEREAS, counties take great pride in their ability to provide quality and efficient services to the people on behalf of the State of New York but due to the State's imposed real property tax cap counties can no longer be required to expand services without accompanying compensation.

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

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

**2017 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**

Resolution Urging the New York State Congressional Delegation to Preserve the Medicaid Expansion and Basic Health Plan Program Options Allowed under the Affordable Care Act and Oppose Efforts to Cap Federal Medicaid Payments to the States

WHEREAS, the Affordable Care Act (ACA) provides federal subsidies to help low income working families and individuals afford health insurance coverage; and

WHEREAS, the ACA allows states the option of expanding eligibility for Medicaid along with higher federal Medicaid reimbursements to provide health insurance for the very low income population; and

WHEREAS, Section 1331 of the Affordable Care Act gives states the option of creating a Basic Health Program (BHP), a federally subsidized health insurance benefits program for low-income residents who would otherwise be eligible to purchase coverage through the Health Insurance Marketplace; and

WHEREAS, New York State has adopted these major health insurance coverage options including the eligibility expansion of Medicaid coverage and the Basic Health Plan coverage option (called The Essential Plan in New York); and

WHEREAS, since the enactment of the ACA the number of uninsured individuals in New York State has dropped by 850,000 (leading to a decline in the number of uninsured of more than 50 percent statewide), with many Upstate counties experiencing declines in their uninsured rates of 60 percent or more – leaving fewer than five percent of their residents without health insurance coverage by the end of the January 2016 open enrollment period; and

WHEREAS, the completion of the January 2017 ACA enrollment period is expected to lower the number of uninsured New Yorkers even more, likely reaching one million; and

WHEREAS, expanded health insurance coverage for New Yorkers helps reduce bad debt and charity care costs for hospitals, clinics and other health care providers, including those operated by counties and New York City; and

WHEREAS, the enhanced federal Medicaid matching rates provided under the ACA have provided billions of dollars in direct fiscal relief to New York State and its counties since enactment, helping to reduce pressure on local property taxes benefitting homeowners and businesses; and

WHEREAS, the individual health insurance market in New York has seen dramatic changes fostered by the Affordable Care Act, with 2017 health insurance premium rates for individuals being more than 55% lower than before the implementation of the ACA, adjusted for inflation; and

WHEREAS, New York State has implemented the Basic Health Plan option under the Affordable Care Act with great success, providing extremely affordable health insurance to nearly 650,000 low income people with monthly premiums of \$20 or less that includes comprehensive benefits with no annual deductibles, free preventive care, and low copayments; and

WHEREAS, nearly 3.5 million New Yorkers use the New York State health insurance exchange created under the ACA to buy health insurance (or enroll in Medicaid, CHIP or the Essential Plan); and

WHEREAS, the incoming President and Congress have indicated they want to repeal and replace the Affordable Care Act and to also cap federal reimbursements to states for Medicaid; and

WHEREAS, a blanket repeal of all provisions of the Affordable Care Act, especially those identified here would eliminate health insurance coverage for 3.5 million New Yorkers; and

WHEREAS, the loss of health insurance will increase unreimbursed costs to hospitals, clinics and other health care providers across New York costing them billions of dollars in lost revenue; and

WHEREAS, repeal of the Medicaid expansion and other provisions of the ACA would cut federal reimbursements to New York State and its counties by nearly \$6 billion annually according to the New York State Comptroller; and

WHEREAS, the direct fiscal assistance to counties and New York City from the ACA approaches \$600 million annually today, and will likely grow; and

WHEREAS, capping Federal Medicaid reimbursements to states through a block grant, or per capita cap, will only increase the reimbursement losses noted above to New York, including health care providers in congressional districts across New York; and

WHEREAS, the loss of this federal funding will cause state and local taxes to increase dramatically and alter or eliminate health insurance coverage currently enjoyed by millions of New Yorkers.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the New York State Congressional Delegation to follow a “do no harm” strategy as they work to improve health care by preserving the Medicaid expansion and enhanced federal Medicaid reimbursement as provided under the ACA for those states that have chosen to implement this option; and

BE IT FURTHER RESOLVED, the New York Congressional Delegation should also preserve the Basic Health Plan option that is working so successfully in New York; and

BE IT FURTHER RESOLVED, capping federal reimbursements to states for Medicaid will fundamentally undermine the safety net function this program was established to provide and NYSAC is urging the New York delegation to avoid this approach; 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 the New York State Congressional Delegation, Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

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

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

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

WHEREAS, the state has enacted a cap in reimbursement to counties and New York City related to Medicaid administrative claiming, and for many counties this cap continues to be in place prior to the actual state takeover of a significant portion of local Medicaid administrative functions; and

WHEREAS, local departments of social services (DSS) continue to be required to take on additional administrative responsibilities; and

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

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

WHEREAS, counties also struggle with administering all other human services programs mandated by the state especially since State financial support for local social service district administrative costs was essentially eliminated several years ago to help balance state budget shortfalls.

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

BE IT FURTHER RESOLVED, the State should not reduce counties' Medicaid administrative funding caps without a verifiable and commensurate reduction in local

administrative responsibilities to avoid cost shifts; and no district shall be required to perform Medicaid functions unless performance of those functions is cost and liability neutral to the district; and

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

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

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

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

Resolution Urging the Governor and Legislature to Gradually Restore the 50/50 State/County Cost-Sharing for the Safety Net Program, to Increase Shelter Grant Reimbursements to Counties and to Provide Sufficient Resources to Provide Safe and Secure Housing

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

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

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

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

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

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

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

WHEREAS, State data through May 2016 indicates that non-federally participating Safety Net costs continue to grow faster than federally participating TANF costs; and

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

WHEREAS, enhanced shelter assistance and state reimbursement, along with more permanent affordable housing, are essential components necessary to achieve State goals of reducing homelessness and providing stability for families and individuals in need.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the State to gradually restore the historic 50/50 state/county cost sharing for the Safety Net program over a five-year period, starting with an increase in county reimbursement for shelter assistance in order to help alleviate the lack of affordable housing alternatives in many areas of the state, while also lowering the local property tax burden for homeowners and small businesses; 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.

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

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

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

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

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

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

WHEREAS, the Governor's SFY 2017-18 budget proposal seeks again to raise the age of criminal responsibility, but it no longer provides 100 percent state funding for the new costs that will be incurred by counties and New York City; and

WHEREAS, the new proposal appears to provide no fiscal reimbursement to New York City at all for the increased costs related to this proposal; and

WHEREAS, the Governor's budget estimates that in excess of \$100 million in new local government costs would be created under this initiative; and

WHEREAS, without state reimbursement for New York City costs and only partial reimbursement for new costs incurred by the 57 counties, this proposal creates a new unfunded mandate on counties and New York City; and

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

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

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

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

BE IT FURTHER RESOLVED, fiscal caps must be removed for foster care and youth detention as part of this age of criminal responsibility reform; and

BE IT FURTHER RESOLVED, we urge the legislature to reject the Governor's state foster care match reduction as proposed in his SFY 2017-18 budget which also shifts more costs to counties and New York City; and

BE IT FURTHER RESOLVED, we also urge the legislature to reject the Governor's budget proposal to shift more foster care tuition costs to New York City; and

BE IT FURTHER RESOLVED, state funding must be provided to build capacity for infrastructure and services under child welfare and probation services, and to identify mental health and drug and alcohol issues and strategies to minimize absences without leave from the education system; and

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

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

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

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

**2017 NYSAC Legislative Conference
Albany County, New York**

**Standing Committee on Public Employee
Relations**

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

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 state or local government position without this salary impacting their retirement benefits; and

WHEREAS, any retired public employee salary amount over \$30,000.00 will result in a decrease in pension payments for the employee; and

WHEREAS, the \$30,000 cap was set last 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 to keep pace with inflation rates or cost of living adjustments; 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 either are replaced by someone with less experience or in some cases not being replaced at all; and

WHEREAS, in 2016 a bill was introduced (S.2447D (Farley)/A.6786D (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, NYSAC calls on the Governor and the legislature to place into the 2017 /2018 State Budget the bill language found in S.2447D/A6786D; 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.

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

WHEREAS, in recent years the State Legislature has passed legislation setting workload standards for child protective service workers, but it was vetoed by the Governor; and

WHEREAS, this bill places a cap of no more than fifteen active cases per month per full time child protective services worker; and

WHEREAS, child protective services are provided for and partially 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 assignment; and

WHEREAS, a one-sized 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, NYSAC calls on the state to study the best possible way to provide the essential functions of child protective services, and those changes to the service require additional funding, the state must meet that need; 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.

2017 NYSAC Legislative Conference
Standing Committee on Public Employee Relations
Resolution #3

Resolution Calling on the Public Employment Relations Board (PERB) to Work in Conjunction with Counties to Improve the Arbitration System

WHEREAS, the Public Employment Relations Board (PERB) was created in 1967 with the enactment of the Public Employees' Fair Employment Act (commonly known as the Taylor Law); and

WHEREAS, PERB is a policy-making body which administers the collective negotiations dispute resolution process and is responsible for resolving representation and improper practice matters; and

WHEREAS, many county labor and employee matters are under the jurisdiction of PERB, which oversees the arbitration process that resolves many public employee and management disputes; and

WHEREAS, by working together, counties and PERB can develop a more efficient and fair process to make for more equitable outcomes and reducing costs; and

WHEREAS, labor costs and costs associated with labor disputes are a major factor in a county budget; and

WHEREAS, making a more efficient system is in the best interest of public employees and taxpayers alike; and

WHEREAS, counties support PERB in their continuing effort to make processes electronic where possible and expand the online posting of previously decided arbitration awards; and

WHEREAS, the New York State Association of Counties calls on PERB to restore a minority and women recruitment program for mediators/factfinders and arbitrators along with a general recruitment program as many of the current arbitrators are at or nearing retirement in the foreseeable future; and

WHEREAS, the counties call on PERB to create an annual training program for arbitrators and mediators/factfinders doing public sector work because they need to understand current county programs and policy issues such as the impact of the tax cap on localities.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties does hereby call on PERB to work in conjunction with counties to improve the arbitration system and reduce labor costs; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2017 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**

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

WHEREAS, the prevention and population health activities of 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, 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, administrative actions by the New York State Department of Health (NYSDOH) such as the reduction since 2012 of revenue offset; the refusal to cover costs associated with the contribution that other local governmental offices make to the work of their local health department Maintenance in Lieu of Rent (i.e. "MILOR"); and a

refusal to cover technical assistance in rural counties for well water and septic tank problems that can compromise the sanitation and health of communities throughout rural areas of the state; and

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

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

WHEREAS, inflation-adjusted payments by New York State for Article 6 state aid to local health departments have declined since 2011, and as a result, local expenditures for public health services and subsequent claims for such state aid have declined dramatically; and

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

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

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

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

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

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

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 compensate, within the 2017-18 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 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.

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor to increase funding available to counties for rabies awareness, vaccination, and treatment in the 2017-18 state budget, proportionate to the number of suspected rabies cases; and

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

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

Resolution Calling on Governor Andrew M. Cuomo and Members of the New York State Legislature to Urge the President and Congress to Increase Federal Funding to Localities to Combat the Spread of the Zika Virus in the United States

WHEREAS, the Zika virus is a mosquito-transmitted infection related to dengue fever, yellow fever and West Nile virus. It was discovered in the Zika forest in Uganda in 1947 and is believed to be common across Africa and Asia; and

WHEREAS, Zika is spread mostly by the bite of an infected Aedes species mosquito (Ae. aegypti and Ae. albopictus); and

WHEREAS, there are more than 749 confirmed cases of the Zika virus across New York State; and

WHEREAS, though the majority of those infected have no symptoms, and those who do usually recover within a week, Zika can have devastating impacts on a pregnancy; and

WHEREAS, Zika can be passed from a pregnant woman to her fetus, and can cause certain birth defects including congenital microcephaly and other serious brain defects, and has neurological impact on adults; and

WHEREAS, there is no vaccine or medicine for Zika, which means prevention of the Zika virus and control of the Aedes species mosquito population is of the utmost importance; and

WHEREAS, for prevention and mosquito control to be effective, federal funding needs to be allocated to state and local entities as soon as possible; and

WHEREAS, the World Health Organization (WHO) has designated Zika as a chronic threat; and

WHEREAS, on November 9, 2016, the Centers for Medicare & Medicaid Services (CMS) announced a funding opportunity providing up to \$66.1 million available to support prevention activities and treatment services for health conditions related to the Zika virus; and

WHEREAS, Congress authorized this funding in the Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act (P.L. 114-223), but more funding is still needed.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and State Legislature to urge the United States Congress to take immediate action to approve additional funding to fight the spread of Zika; 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.

Resolution Calling on the Office of Alcoholism and Substance Abuse Services and the Governor of the State of New York to Provide State Funding to Support the Treatment of Individuals with Substance Use Disorders Who Are Incarcerated in County Jails, in Order to Help Combat the Heroin and Opioid Abuse Epidemic and Other Addictions, Save Lives, and Reduce the Rate of Recidivism

WHEREAS, the rise in heroin and prescription opioid addiction and overdose-related deaths continue to be a major epidemic across New York State; and

WHEREAS, substance use disorders, including heroin and opioid addiction, are very common among incarcerated individuals; and

WHEREAS, according to the National Center on Addiction and Substance Abuse at Columbia University, 65 percent of individuals incarcerated in jails and prisons in the U.S. meet the medical criteria for a substance use disorder and only 11 percent receive any treatment for substance abuse while incarcerated; and

WHEREAS, without access to substance use disorder treatment while incarcerated, many individuals start using drugs again immediately upon release from incarceration; and

WHEREAS, in the first two weeks after an individual with a substance use disorder is released from jail, the risk of a fatal drug overdose is much higher than at any other time, resulting in individuals dying from overdoses in high numbers after they are released from incarceration or getting re-arrested for drug-related crimes; and

WHEREAS, Article 41 of the Mental Hygiene Law charges the Local Governmental Unit (LGU) with the responsibility for the planning, development, implementation and oversight of services to individuals with mental illness, substance use disorders and developmental disabilities at the local level; and

WHEREAS, the LGU works closely with local correctional facilities, community providers and other stakeholders to improve in-jail behavioral health treatment, facilitate community linkages upon reentry and reduce recidivism with very limited resources; and

WHEREAS, while the Office of Mental Health provides some state aid to counties for the provision of mental health services in the jails, there is no comparable funding provided by the state for incarcerated individuals with substance use disorders; and

WHEREAS, state funding is needed to help provide access to comprehensive substance use disorder 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, access to substance use disorder treatment in jails, especially to medication assisted treatment for individuals with opioid addiction, is critical for positive post-release outcomes.

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 of incarcerated individuals with substance use disorders in our county jails; and

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

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

Resolution Calling on the Office of Mental Health, the Department of Health and the Governor of the State of New York to Preserve and Maintain the Role of Children’s Single Point of Access to Ensure that High-Need/High-Risk Children and Youth with Serious Emotional Disturbance and Their Families Have Timely Access to the Comprehensive Services and Supports They Need as the State Implements Medicaid Redesign for Children, Youth and Family Services

WHEREAS, Article 41 of the Mental Hygiene Law charges the Local Governmental Unit (LGU) with the responsibility for the planning, development, implementation and oversight of services to individuals with mental illness, substance use disorders and developmental disabilities at the local level; and

WHEREAS, every county and borough in New York State has a working Children’s Single Point of Access (CSPOA) which is embedded in the LGU; and

WHEREAS, LGUs have developed the CSPOA system to simplify and coordinate the process of linking children and their families to the services that can assist in meeting their needs; and

WHEREAS, A CSPOA is designed to identify, screen and assign Care Coordination and Wraparound Services to eligible high-need/high-risk children and youth with a serious emotional disturbance (SED) and/or behavioral disorder and their families; and

WHEREAS, A CSPOA serves children and youth at risk and/or with history of psychiatric hospitalization or out-of-home placement, with multi-system involvement or needs, with substantial functional impairments and/or psychiatric symptoms, and an unsuccessful history of mental health treatment; and

WHEREAS, Children’s SPOA provides timely access to an array of intensive Office of Mental Health services and supports based on the identified service need of the youth and his/her family; and

WHEREAS, services include Home and Community Based Waiver; Health Home Care Management for children with SED; Community Residences; and Residential Treatment Facilities; and

WHEREAS, A CSPOA serves children and youth determined to have SED regardless of their health coverage and provides continuity for children and families during transitions in care; and

WHEREAS, A CSPOA is situated in the community and is positioned to provide consultation and assistance for all SED children and youth in receipt of Health Home Care Management for care planning and network navigation; and

WHEREAS, the primary goals of CSPOA include maintaining high-need/high-risk children in the community with their families, reducing out-of-home placements, facilitating the earlier return of children and youth already placed out-of-home, increasing access to community-based services, utilizing an individualized care model with strength-based approach and assuring active parent involvement at all levels of SPOA.

NOW, THEREFORE BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor, the Office of Mental Health, and the Department of Health to preserve and maintain the role of Children's SPOA to ensure that high-need/high-risk children and youth with serious emotional disturbance and their families have timely access to the comprehensive services and supports they need as the state implements Medicaid Redesign for children, youth and family services; and

BE IT FURTHER RESOLVED, that these comprehensive array of services include: Emergency and Crisis Services, Family Support, Respite Services, Outpatient Services, Community Residential Services and Inpatient Services; as the state implements the children's Health Home, the transition of behavioral health services to Medicaid Managed Care and the expansion of children's Home and Community Based Waiver Services under Medicaid Redesign; 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, the State Office of Mental Health, the State Department of Health and all others deemed necessary and proper.

**Resolution Urging New York State to Maintain the Carve-Out from
Medicaid Managed Care for School-Based Health Centers**

WHEREAS, 20 Counties and New York City operate 231 school-based health centers across the state, serving over 200,000 students; and

WHEREAS, school-based health centers provide cost-effective comprehensive primary medical care, dental, vision and mental health services at no out-of-pocket cost to all students, regardless of insurance status; and

WHEREAS, school-based health centers increase access to health care, prevent unnecessary hospitalizations, and reduce emergency room visits; and

WHEREAS, school-based health centers are a vehicle for eliminating racial and ethnic health disparities in the communities that they serve and foster health equity for low-income communities and communities of color; and

WHEREAS, the State is requiring that all School-Based Health Centers move to a mandatory Medicaid Managed Care health care delivery model as of July 1, 2017; and

WHEREAS, family planning health services will remain carved out from Medicaid Managed Care. The transition to Medicaid Managed Care would force school-based health centers to submit both fee-for-service and Medicaid Managed Care claims, and significantly increase the administrative burden on providers; and

WHEREAS, school-based health centers will be forced to contract with multiple Medicaid Managed Care plans for each participating school, in addition to plans for dental and behavioral health services, which would complicate the billing process and revenue streams for all providers; and

WHEREAS, Medicaid currently accounts for 89 percent of third party insurance revenue for school-based health centers statewide; and

WHEREAS, there is no guarantee that school-based health center providers will be able to negotiate payment rates from Medicaid Managed Care plans comparable with existing revenue; and

WHEREAS, as a result of the transition to Medicaid Managed Care and reduced Medicaid revenue, some school-based health centers will be forced to close; and

WHEREAS, in the event of closure of school-based health centers, in order to ensure continued provision of health services mandated by law, counties and New York City would be required, at a substantial cost, to provide nurses and equivalent staff at every school.

NOW, THEREFORE BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and State Legislature to maintain their commitment to school-based health centers and maintain their carve out from Medicaid Managed Care; 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.

**Resolution to Reduce the Administrative Burden on Local Health
Departments Caused by Article Six State Aid for General Public Health
Work Maintenance of Effort Requirements**

WHEREAS, New York State has imposed a cap on property taxes that restricts the ability of local governments to fund services; and

WHEREAS, Article Six State Aid for General Public Health Work places a Maintenance of Effort (MOE) requirement on municipalities; and

WHEREAS, the current statute requires only that municipalities demonstrate that they have maintained current year funding to the base year funding level; and

WHEREAS, the New York State Department of Health adopted regulatory changes to NYCRR 10 Subpart 40-1 in 2014, which increased frequency of reporting and monitoring requirements regarding MOE from an annual basis to ongoing monitoring throughout the year; and

WHEREAS, the New York State Department of Health's 2014 published analysis of the regulatory changes to NYCRR 10 Subpart 40 stated that "With respect to the amendments to the administrative regulations governing the State Aid program, overall these regulations represent a reduction in the administrative burden of applying for State Aid"; and

WHEREAS, the New York State Association of County Health Officials (NYSACHO) provided formal public comment expressing concern that the regulatory changes to the MOE language could result in increases to local health departments' (LHDs) administrative workloads; and

WHEREAS, MOE reporting requirements for LHDs subsequently increased from annual reporting to quarterly reporting; and

WHEREAS, local health officials report a substantial increase in time and effort spent on MOE justifications; and

WHEREAS, this more frequent reporting schedule further fails to acknowledge normal fluctuations in expenses during the year; and

WHEREAS, the ongoing monitoring of MOE places an undue and unnecessary administrative burden on local health departments; and

WHEREAS, the New York State Department of Health requires that local share funding for eligible expenditures be maintained at base year levels for each of the core services, rather than on the overall annual local share; and

WHEREAS, this narrower administration of MOE limits local health departments' flexibility to direct scarce resources to respond to public health emergencies and/or emerging public health threats such as Zika virus; and

WHEREAS, in a home rule state, municipalities should also have the ability to redirect public health funding between core services to address the implementation of new or increased state mandates and changing public health needs in their communities.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Legislature and Governor to take the following steps to reduce the current administrative burdens related to Maintenance of Effort and increase flexibility in the application of MOE requirements to allow local health departments to maximize limited local resources to respond to the public health needs of their communities:

1. Direct the New York State Department of Health to immediately return Maintenance of Effort monitoring requirements to no more than twice a year to reduce the administrative burden on municipalities;
2. Amend Article Six, §617 of the Public Health Law to stipulate that evidence of Maintenance of Effort for eligible services shall be based on the total amount contributed annually by a municipality for all eligible core public health services, rather than the amount contributed to each individual core public health service; 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 Division of Budget, the New York State Department of Health and all those deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2017 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

Resolution Calling on Governor Andrew M. Cuomo to Create a New York State 911 Department that Supports County Public Safety Answering Points and Enhances Local Emergency Dispatch Services

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

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

WHEREAS, a statewide 9-1-1 department would assist in the development and improvement of 9-1-1 service in New York State that represents ALL stakeholders involved in 9-1-1 services; and

WHEREAS, the department will:

- act as a clearinghouse of contact information for all telephone companies operating in the state and contact information and 9-1-1 fees charged in each jurisdiction;
- secure resources for the creation, operation, expansion, and cooperative undertaking of local public safety answering points;
- secure and direct the distribution of public safety surcharge funds and grants as needed;
- facilitate information sharing among state agencies and county public safety answering points;
- coordinate and develop training program standards for 9-1-1 directors, supervisors and 9-1-1 call takers;
- create and maintain best practices databases for public safety answering-point operations; and
- provide necessary networks to support 9-1-1 both in a legacy and NG 9-1-1 environment.

NOW, THEREFORE, BE IT RESOLVED, the public safety standing committee and the New York State Association of Counties call upon Governor Cuomo to enable the creation of a State 9-1-1 Department; and

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

BE IT FURTHER RESOLVED that the New York State Association of Counties shall forward copies of this resolutions to Governor Andrew M. Cuomo and the Department of Homeland Security and Emergency Services, and all others deemed necessary and proper.

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

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

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

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

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

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

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

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

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

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

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

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

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

2017 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #3

Resolution Calling on Governor Cuomo and the New York State Legislature to Pass Legislation that would Promote the Use of Video Conferencing for Court Appearances for Inmates Held at a County Jail

WHEREAS, under current law, video conferencing of inmates for arraignment or other court appearances is permitted in several counties, but is actually not in practice because the law requires the inmate to agree to such an appearance; and

WHEREAS, many counties have state of the art video conferencing systems which are not used for inmate court appearances, simply because inmates routinely chose to be transported to court rather than make an appearance by video conference; and

WHEREAS, expanding the use of video conferencing for court appearances would save much time and county taxpayer expense by avoiding transporting inmates to court for minor or routine matters, make courtrooms safer, and avoid problems which might happen when inmates are transported by auto or van to a courtroom many miles away from the jail.

NOW, THEREFORE, BE IT RESOLVED, that upon the review and recommendation of the public safety committee that the New York State Association of Counties supports S554 Young to promote the full and expanded use of video conferencing for court appearances for inmates held at a county jail; and

BE IT FURTHER RESOLVED, that the applicable judge in the presiding court, and not the inmate, should make the determination as to whether video conferencing is appropriate for the particular court appearance to be made; and

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

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

2017 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #4

Resolution Calling on Governor Cuomo and the New York State Legislature to Pass Legislation that Would Allow All Counties the Option for their Local Correctional Facility to Detain Persons Under Arrest Being Held for Arraignment

WHEREAS, this legislation would permit the use of local correctional facilities by various police agencies as a holding cell for pre-arraignment prisoners, and

WHEREAS, under the current law, 21 counties have state authority for the detention of persons under arrest being held for arraignment in any court located in the county; and

WHEREAS, these 21 counties had to go directly to the New York State Legislature for individual state authority, and

WHEREAS, the remaining 36 counties would like to have the option to provide detention for persons under arrest being held for arraignment in any court located in that county; and

WHEREAS, this legislation will assist counties in their continuous efforts to insure that counsel for all parties are present at all crucial proceedings, including arraignment and other initial appearances; and

WHEREAS, allowing for the best utilization of county resources and staff allocations; and

NOW, THEREFORE, BE IT RESOLVED, that upon the review and recommendation of the public safety committee that the New York State Association of Counties calls on Governor Cuomo and the New York State Legislature to pass legislation that would allow all counties the option for their local correctional facility to detain persons under arrest being held for arraignment; and

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

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

2017 NYSAC Legislative Conference
Standing Committee on Public Safety
Resolution #5

Resolution Calling on Governor Cuomo and the New York State Legislature to Pass Legislation that Prohibits Civilian Drone Use Within One Thousand Feet of a Correctional Facility

WHEREAS, a drone is often called an unmanned aerial vehicle (UAV), or an unmanned aircraft system (UAS), is an aircraft without a human pilot aboard; and

WHEREAS, the use of drones or unmanned aerial systems, including recreational civilian drone use, has increased exponentially in recent years; and

WHEREAS, with the increased use of drones, it has been reported that drones have been dropping packages containing marijuana, heroin, and other contraband items into recreational areas of correctional facilities across the country; and

WHEREAS, contraband in prisons contributes to violence endangering the safety and wellbeing of both inmates and correctional staff; and

WHEREAS, S2125 Ritchie prohibits civilian drone use within one thousand feet of a correctional facility; and

WHEREAS, violating this provision shall result in a civil penalty of \$1000.00 for the first offense and is punishable as a misdemeanor for each subsequent offense; and

WHEREAS, by restricting drone use in the immediate vicinity of a correctional institution this bill promotes a safer and more harmonious prison environment by keeping all members of the correctional community safe.

NOW, THEREFORE, BE IT RESOLVED, that upon the review and recommendation of the public safety committee that the New York State Association of Counties supports S2125 Ritchie prohibiting civilian drone use within 1000 feet of a correctional facility; and

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

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



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2017 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

Resolution Calling on State Legislative Leaders to Reform the Home Rule Revenue Process by Enacting a 4-Year Authorization Period for All Local Sales Tax Extenders in 2017 with a Goal of Making This Local Renewal Authority Permanent

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

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

WHEREAS, counties' ability to raise revenues from the property tax are limited by the state imposed property tax cap, which resulted in an inflation growth factor of only .73 percent in 2016 and .68 percent in 2017 (three times smaller than the State's self-imposed two percent spending cap); and

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

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

WHEREAS, the pass through of local sales tax revenue from counties to cities, towns, villages and school districts will approach \$1.8 billion in 2016; and

WHEREAS, state required renewals every two years creates a significant amount of work to manage the process for both the state and county elected officials and staff to satisfy drafting the necessary legislation, providing notices and conducting public meetings, and the need to set aside legislative time to act on bills locally and at the state level; and

WHEREAS, New York City has been granted permanent authority to control their local sales tax rate without state legislative review; and

WHEREAS, enacting a 4-year authorization period still allows for appropriate state legislative review; and

WHEREAS, the longer authorization period proposed would cut in half the administrative expense and duplication of effort to process the necessary paperwork,

forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level, provides more stability to county finances, while retaining recurring local legislative review; and

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

BE IT FURTHER RESOLVED, the State should work to make this a permanent local authorization that requires periodic local renewals to ensure appropriate review by elected officials; and

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

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

Resolution Urging the State to Enact Legislation to Ensure a Fair and Level Playing Field for All Retailers by Addressing Loopholes 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 as much as \$200 million annually in state and local sales taxes are not being collected; and

WHEREAS, the ongoing expansion and maturity of internet-based retailing, or e-commerce, continues to dramatically outpace the annual growth in physical storefront retail sales with e-commerce growing at a 15 percent annual rate compared to “Main Street” local storefronts retail growing at about 2 percent per year; 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, enacting such legislation will streamline sales tax collection practices and reduce burdens on small vendors and improve compliance; and

WHEREAS, providing for an easy to use platform for large highly experienced internet transaction facilitators to collect sales tax on behalf of their participating vendors will provide 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 more level playing field for retailers; and

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

BE IT FURTHER RESOLVED, the NYSAC 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 New York’s Congressional Delegation to Support the Enactment of Federal Legislation to Simplify and Ease Sales Tax Collections on Internet-Based Purchases and to Support a Level Playing Field for “Main Street” Retailers

WHEREAS, the ongoing expansion and maturity of internet-based retailing, or e-commerce, continues to dramatically outpace the annual growth in physical storefront retail sales with e-commerce growing at a 15 percent annual rate compared to “Main Street” local storefronts retail growing at about 2 percent per year; and

WHEREAS, e-commerce has grown from about 1.5 percent of total U.S. retail sales to nearly 9 percent of total U.S. retail sales in the last 12 years; and

WHEREAS, total e-commerce sales are expected to reach nearly \$400 billion in 2016 according to the Census Bureau; and

WHEREAS, a large number of internet-based retailers do not collect sales taxes on the sale of their goods or services; and

WHEREAS, the growing migration of retail sales to the internet and mobile electronics is creating an unfair competitive advantage over many local brick and mortar retailers that provide many jobs in communities throughout New York; and

WHEREAS, a 2015 national poll found that 70 percent of respondents support federal legislation that requires online vendors to collect and remit sales taxes for online purchases rather than having individuals track and remit their own sales tax liabilities for online purchases; and

WHEREAS, the same poll also found that a majority of respondents believe it is unfair that online vendors receive a tax advantage over local businesses in their communities; and

WHEREAS, the State Streamlined Sales Tax Governing Board estimates that more than \$20 billion annually in sales taxes are not being collected under the current system, severely impeding state and local government’s revenue collections necessary to provide and fund critical public services; and

WHEREAS, counties in New York rely heavily on local sales tax collections to pay for government services such as public health and safety, social services, economic development and quality of life services strongly supported in their communities; and

WHEREAS, Congress and the President have indicated their desire to improve the federal tax code by making it simpler and more fair, while removing obstacles that

hinder economic growth and the efficient use of capital, along with modernizing the code to reflect the needs of our nation and economy in the decades to come.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) does hereby call on the New York Congressional Delegation to support federal legislation that requires online vendors to collect and remit sales taxes owed on purchases made over the internet as part of their federal tax code modernization efforts; and

BE IT FURTHER RESOLVED, that federal efforts to modernize the collection of sales tax across jurisdictions and modes of commerce include provisions that allow states flexibility in satisfying the streamlining and simplification of state and local sales tax models necessary to ease the burden for retailers to collect sales and use taxes on products and services sold over the Internet; 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, New York Congressional Delegation and all others deemed necessary and proper.

**Resolution Calling on New York’s Congressional Delegation to Preserve the
Federal Tax Exemption for Municipal Bonds**

WHEREAS, current federal law provides a tax exemption for municipal bonds; and

WHEREAS, tax-exempt municipal bonds are the most important tool in the United States for financing investment in schools, roads, water and sewer systems, airports, bridges and other vital infrastructure; and

WHEREAS, over the last decade more than 3500 projects have been financed using tax-exempt municipal bonds in New York accounting for nearly \$150 billion in investment in our future; and

WHEREAS, the availability of these municipal bonds not only supports local needs and jobs, it strengthens the regional and national network of essential public infrastructure that makes the U.S. economy productive, dynamic and better fit to compete globally in the next century; and

WHEREAS, congressional discussions to repeal or cap the municipal bond exemption as part of a comprehensive tax overhaul may ultimately be counterproductive by making future infrastructure projects more expensive and ending the creation, or maintenance, of millions of jobs nationwide; and

WHEREAS, if this exemption had not been in place during the 2003–2012 period, it is estimated the \$1.65 trillion of state and local infrastructure investment would have cost these local governments an additional \$495 billion of interest expense; and

WHEREAS, the American Society of Civil Engineers estimates that New York alone will require nearly \$200 billion in infrastructure investment over the next decade to repair, replace and update these critical systems; and

WHEREAS, the United States severely lags much of the rest of the developed world in regards to efficient and modern transportation, water and utility infrastructure; and

WHEREAS, in 2013, the American Society of Civil Engineers rates the United States’ current commitment to our infrastructure at a D+ and this continues a nearly 25 year decline in this metric.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon the Governor and State Legislature to strongly encourage the New York Congressional Delegation to preserve this critically important tax exemption; 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 Congressional Delegation and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2017 NYSAC Legislative Conference
Albany County, NY**

Standing Committee on Transportation

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

Resolution Commending Governor Andrew Cuomo and State Legislators on Adopting a Transportation Capital Plan and Urging a Continued and Increasing Commitment to Assisting Counties in Maintaining Their Local Infrastructure

WHEREAS, Governor Andrew Cuomo and State Legislators are to be commended for adopting a Department of Transportation five-year capital plan that includes \$21.1 billion in funding to improve state and local highway, bridge, rail, port, airport and downstate suburban and upstate transit infrastructure; and

WHEREAS, this new State Transportation Plan also provides additional support for local governments to maintain and improve roads and bridges with a multi-year funding commitment for the Consolidated Local Streets and Highway Improvement Program (CHIPS) and enhanced State assistance to local governments through BRIDGE NY and PAVE NY initiatives; and

WHEREAS, while this additional funding is most welcomed and already being put to good use, and counties still struggle to raise enough funding for the maintenance and replacement of this aging and ailing infrastructure; and

WHEREAS, locally owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges; and

WHEREAS, thirty-four percent (34%) of local bridges are deficient and forty-eight percent (48%) of road pavements are rated fair or poor; and

WHEREAS, a recently updated needs assessment report of local highway and bridge infrastructure, commissioned by the NYS Town Superintendents of Highways, found that the local system pavement and bridge needs over the next 15-year period is estimated at \$34.8 billion; and

WHEREAS, given the State Comptroller's determination that local governments spend about \$1 billion a year on infrastructure, this leaves an unfunded \$1.3 billion annual needs gap; and

WHEREAS, a safe and efficient infrastructure 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; and

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) commends Governor Cuomo and the New York State Legislature for their budget actions to enhance state investments in local roads, bridges and culverts.

BE IT FURTHER RESOLVED, that NYSAC urges State leaders to continue to work in partnership with local governments to provide the necessary and proper funding to New York's counties by including in the 2017-2018 state budget: an additional \$150 million for CHIPS base level; \$50 million more annually for BRIDGE NY; and a larger allocation of the BRIDGE NY funds for culverts so that counties have the ability to better maintain their infrastructure now and well into the future; and

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

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

**Resolution Commending Governor Cuomo and State Legislators on Record
Airport Funding Measures and Urging Certain Programs Be Made
Permanent**

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, a New York State Department of Transportation study quantifying New York airports' and the aviation industry's contribution to the state's economy found that \$50 billion in annual economic activity for New York State businesses is attributable to aviation and further reports that approximately 394,500 jobs in New York State are related directly or indirectly to aviation, representing 4.6 percent of the 8.5 million jobs in the state; and

WHEREAS, the 2016 enacted state budget includes Governor Andrew Cuomo's initiative for a \$200 million state investment to revitalize New York State airports and an increase in funding for the Aviation Capital Grant Program over the next four years that will help the state realize the full potential of its airports and aviation industries; and

WHEREAS, this investment includes the Competition to Revitalize Upstate Airports designed to award at least five airports a maximum of \$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, because this competition is expected to assist few of the 74 eligible airports in upstate New York, there will still be a majority of airports that need funding assistance, even accounting for the \$10 million allocated from the Competition to Revitalize Upstate Airports to the SFY 2016-17 Aviation Capital Grant Program appropriation; 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 74 eligible airports in upstate New York; 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 new state

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 increases in the Aviation Capital Grant Program and by fully funding the Airport Improvement Program (AIP) in the SFY 2017-2018 State Budget; and

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

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

Resolution Calling on the President and Members of the New York State Congressional Delegation to Direct Infrastructure Stimulus Investments to Counties and Local Governments

WHEREAS, President Donald J. Trump and members of Congress have proposed a federal infrastructure package that would improve the nation's economy and strengthen infrastructure systems in communities across the country; and

WHEREAS, the American Society of Civil Engineers (ASCE) reported startling facts about New York's infrastructure, including that within the state there are 403 high hazard dams, 2,169 bridges that are structurally deficient, and that approximately 60 percent of the major roads are of a poor or mediocre quality; and

WHEREAS, the ASCE also estimates that within the next 20 years that \$27 billion is needed to upgrade drinking water systems in the state, and \$29.7 billion is needed for wastewater systems; and

WHEREAS, locally owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges. These locally owned and aging roads and bridges are deteriorating at a rapid rate as counties struggle to find adequate funding for their maintenance, replacement, and upgrading; and

WHEREAS, a safe and efficient infrastructure 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.

WHEREAS, the ASCE estimates that New York alone will require nearly \$200 billion in infrastructure investment over the next decade to repair, replace, and update critical transportation, water, and utility and health systems.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) hereby calls upon the President and members of the New York State delegation to direct an appropriate share of any federal infrastructure investment to counties and local governments who oversee the majority of road, bridge, water, sewer, and airport systems in New York State; and

BE IT FURTHER RESOLVED, county and local government representatives should have an active voice in any decision-making body that determines how these infrastructure funds are allocated; 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 President Donald J. Trump, the members of the NYS congressional delegation, Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.