



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2016 NYSAC Fall Seminar
Niagara County, New York**

Board of Directors

Hon. William E. Cherry (Schoharie County) - President

**2016 NYSAC Fall Seminar
NYSAC Board of Directors
Resolution #1**

**Resolution Thanking Niagara County for Hosting the NYSAC Delegation at
the Annual Fall Seminar in Niagara County**

WHEREAS, the New York State Association of Counties (NYSAC) has convened our 2016 Annual meeting in Niagara County; and

WHEREAS, hundreds of elected and appointed county officials from across this state are meeting for the purpose of receiving education and information critical to the operation of county government in New York State; and

WHEREAS, county officials from across the state benefit from the ideas and information exchanged during this important event and furthermore will see first-hand the natural beauty and culture of Western New York.

NOW, THEREFORE, BE IT RESOLVED, that the membership of the New York State Association of Counties, its Board of Directors and Staff wish to extend sincere appreciation to the entire Niagara County Legislature for financially supporting and hosting the NYSAC delegation and its Annual Fall Seminar; and

BE IT FURTHER RESOLVED; that this resolution be sent to the Niagara County Legislature.

**2016 NYSAC Fall Seminar
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Resolution #2**

**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 Communication Devices and Use Revenues to Finance Life-
Saving County 9-1-1 Services**

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, despite its access to 911 systems, the “pre-paid” cellular phone industry is currently not contributing resources to support 9-1-1 service; and

WHEREAS, NYSAC estimates, using FCC data, that about 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, and the majority of these revenues are used by the state for purposes other than 9-1-1; and

WHEREAS, current funding mechanisms do not 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 communication needs and furthermore authorize all counties the authority to impose a state surcharge up to a \$1.20 on ALL wireless devices that are capable of accessing 9-1-1 services; and

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

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

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

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

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Resolution #3**

**Resolution Urging Governor Cuomo to Sign Into Law Public Defense
Mandate Relief Act (S.8114/ A.10706)**

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

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

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

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse 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 thanks the State Senate and the State Assembly for recognizing and addressing this need by passing the Public Defense Mandate Relief Act; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of Executive Law Section 832; and

WHEREAS, New York State has previously entered into an agreement to settle the Hurrell-Harring vs. State of New York class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties, therefore creating an unequal system of justice in the remaining counties of the State; 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, uncontrollable financial burden on counties dependent on real property taxes to fund needed services.

NOW, THEREFORE, BE IT RESOLVED, NYSAC strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered to

him, fulfilling the State's obligation under Gideon vs. Wainwright, 372 U.S. 335, while also providing fiscal relief for local property taxpayers; and

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

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

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Resolution #4**

**Resolution Calling on the State of New York to Fully Reimburse Counties
for District Attorney Salary Increases Set 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, for over 50 years, the state has funded all 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, this salary increase recommendation occurred well after all counties set their 2016 budgets in law; and

WHEREAS, to the extent that the Commission's recommendations do, in fact, supersede the provisions of Judiciary Law section 221-d as applicable to District Attorney's annual salary; and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law; 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 DA salaries; and

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

WHEREAS, for some counties, this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers; 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 sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

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

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Resolution #5**

Resolution Calling on Governor Andrew M. Cuomo and the State Legislature to Work with New York's Congressional Delegation to Amend and Improve the Family First Prevention Services Act of 2016 to Ensure Essential Fiscal Resources are Maintained to Support Families in Need

WHEREAS, the Family First Prevention Services Act of 2016, H.R. 5456, is moving rapidly through Congress with no public hearings and little debate; and

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

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

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

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

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

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

WHEREAS, some of specific amendments requested related to expanding the 12-month time limit for Mental Health and Substance Abuse Prevention funding to not to exceed 24 months when certified by a qualified mental health or substance abuse clinician; Aid to Families with Dependent Children (AFDC) delinking; and placement settings for 16-17 year olds; and

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

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon U.S. Senators Charles Schumer and Kirsten Gillibrand to work closely with New York's Congressional Delegation to amend and improve the Family First Prevention Services Act of 2016 so that early adopter states are not penalized by strict maintenance-of-effort provisions, that current federal reimbursement streams be maintained, and sufficient flexibility be provided to meet the unique circumstances in different states; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 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, the New York State Congressional Delegation and all others deemed necessary and proper.