2022 NYSAC Legislative Conference Resolutions

Albany County
March 14 – 16, 2022

Hon. Martha C. Sauerbrey, President

Stephen J. Acquario, Executive Director
# 2022 NYSAC Legislative Conference Resolutions

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2022 NYSAC Legislative Conference
Albany County

NYSAC Board of Directors

Hon. Martha Sauerbrey, President
Resolution in Support of Efforts to Expand Veterans Services and Increase the Coordination and Information between the Federal, State, and Local Veterans Agencies

WHEREAS, county officials, many of whom have served in the military, have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, counties support our military veterans in a variety of ways, including through county veteran affairs offices throughout the state that provide direct services to those that have sacrificed so much; and

WHEREAS, there are an array of supportive services and programs for veterans provided by the U.S. Department of Defense (DOD), U.S. Department of Veterans Affairs (VA), the State Division of Military Affairs, and County Veteran Service Agencies; and

WHEREAS, despite the multiple layers of services, there is a lack of coordination and information-sharing between these intergovernmental partners, which inhibits the outreach by County Veteran Service Officers (CVSOs) to new veterans, exacerbating the challenges associated with the transition to civilian life.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) applauds Governor Kathy Hochul for her budget proposals to expand the veterans’ tax credit, increase funding for county veterans service agencies, and expand the Joseph P. Dwyer peer support and counseling program; and

BE IT FURTHER RESOLVED, NYSAC calls on the U.S. DOD and U.S. VA to increase coordination and information at the federal level and with their state and local partners to more effectively connect transitioning service members with state and county veterans’ affairs agencies prior to their departure from active duty; 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 Joe Biden, Jr., Governor Kathy Hochul, the New York State Legislature, New York State Congressional Delegation and all others deemed necessary and proper.
Resolution Calling on the Governor to Complete Affordable Care Act Enhanced Federal Medical Assistance Percentage Reconciliations that are Years Overdue and Provide a Full Accounting of Funds Owed to Counties and New York City and a Schedule for Release of these Federal Funds

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the state requires the counties and New York City to contribute $7.6 billion annually to pay for the federal and state defined and controlled program; and

WHEREAS, additionally, counties and New York City also voluntarily contribute about $1 billion annually to draw down available federal funds to support publicly owned or supported nursing homes, clinics, and hospitals; and

WHEREAS, the local share the state requires counties and New York City to pay is the highest of any state in the country; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York’s high local tax burden compared to other states; and

WHEREAS, under the Affordable Care Act (ACA) the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York state billions of dollars; and

WHEREAS, the state is required under federal law to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match; and

WHEREAS, the state has utilized a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue; and

WHEREAS, the balance of savings owed to counties is required to be reconciled annually to ensure the withheld savings are transferred to county budgets and local taxpayers, as well as meeting the intent of federal law; and

WHEREAS, for the first three years after enactment of the Affordable Care Act the state followed through on a relatively timely basis with the initial pass through of savings based on 80 percent of the estimated value of these federal savings to counties and New York City and when actual data became available after the close of the state fiscal year the final 20 percent was reconciled; and
WHEREAS, the last completed reconciliation and transfer of federal savings owed to counties was for state fiscal year 2015-16 with the reconciliation being implemented in December of 2020; and

WHEREAS, for each of these completed reconciliations of the final 20 percent of federal savings nearly all counties received additional federal savings based on the final data and caseload numbers; and

WHEREAS, as of February 8, 2022, counties and New York City are waiting on five years of final reconciliations for SFY’s 2017, 2018, 2019, 2020 and 2021; and

WHEREAS, individual counties and NYSAC have made numerous requests, over multiple years, regarding the status of outstanding Medicaid ACA eFMAP reconciliations and the federal funds withheld from counties; and

WHEREAS, due to the lack of a meaningful response from state officials, dozens of counties have submitted Freedom of Information Law (FOIL) requests to the New York State Department of Health (DOH); and

WHEREAS, as of February 8, 2022, 34 counties have received responses from DOH to their FOIL inquiries and that these calculations show that up to $232 million could be owed to these counties, and when these 34 responses are extrapolated statewide for all counties and New York City that over $1.7 billion in federal funding could be owed to counties and New York City for SFY’s 2017, 2018, 2019 and 2020; and

WHEREAS, because the state is withholding these federal funds it requires counties and New York City to reserve funds locally to make up for the loss, meaning local taxes have been kept higher than they need to be over multiple years, or local services are scaled back or eliminated; and

WHEREAS, in the years leading up to the last completed ACA eFMAP reconciliation, counties were provided an estimate of their coming year Medicaid costs by September, in time to incorporate the savings in their budgets, which ceased when regular reconciliations ended.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) urges the Governor to complete these unfinished reconciliations as soon as possible and to provide counties and New York City a full accounting of the federal funds owed, and to take immediate steps to release the funds to localities; and

BE IT FURTHER RESOLVED, the state should also renew its practice of providing timely notice to counties of coming year Medicaid costs so they can appropriately budget those savings for local taxpayers and to preserve highly desired local quality of life services provided in our communities; 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 Kathy Hochul, the New York State Legislature, the New York State Congressional Delegation, and all others deemed necessary and proper.
Resolution Calling on the Governor and the Legislature to Suspend Any Further State Diversion of Local Sales Tax for Distressed Health Facilities and Sunset the Law

WHEREAS, over the last three years the State has enacted legislation to divert local sales tax to state coffers so it can be used to supplant state funding support for their own programs, or to simply fill gaps in the state financial plan; and

WHEREAS, county officials believe local sales tax is too valuable and important for county government and local taxpayers to be interfered with – it is sacrosanct; and

WHEREAS, the state diversion of county and New York City sales tax, along with indirect actions that force local sales tax to be spent as directed by the state, has reached $1.2 billion since enacted three years ago; and

WHEREAS, sales tax is the number one revenue source for many counties across the state and therefore the primary local revenue to support services in our communities, especially for front line workers responding to and facilitating recovery efforts from the pandemic; and

WHEREAS, sales tax is also the number one local revenue source for counties that help keep property taxes lower, including for hundreds of cities, towns and villages across the state that receive a share of the county sales tax; and

WHEREAS, the largest state diversion of county and New York City sales tax was enacted to support a temporary, two year, $250 million per year fiscally distressed health facilities pool to help them with fiscal impacts caused by the pandemic; and

WHEREAS, the $50 million county share of this sales tax diversion is equal to about one-half of the annual allowable property tax cap growth in a typical county; and

WHEREAS, $500 million in local sales tax has been diverted by the state with none of this funding being distributed to health facilities in New York; and

WHEREAS, while these diversions occurred during the height of the pandemic through multiple waves of infections, hospitalizations, and deaths; still no funds were provided to health care providers from the Distressed Provider Assistance Fund; and

WHEREAS, on the final day of state fiscal year 2021, $250 million of local sales tax was transferred out of the Distressed Provider Assistance Fund and deposited into the State General Fund; and
WHEREAS, at the beginning of the pandemic the state actually increased fiscal
distress for health facilities by cutting reimbursements to them by hundreds of millions
of dollars annually, including across-the-board rate cuts, eliminating Enhanced Safety
Net Funding Pools, eliminating equity funding pools to facilities, reducing indigent care
pools, among other reductions; and

WHEREAS, the support of fiscally distressed health facilities has been a federal and
state responsibility for decades as they set nearly all the rules of operation for the
healthcare system, as well as the reimbursement levels for Medicare, Medicaid and
other public health programs which account for nearly half of all health care
expenditures in the United States; and

WHEREAS, low state established Medicaid reimbursement rates to health providers,
that safety net hospitals have identified reimburses less than 68 percent of their actual
costs of providing health care, is the leading cause of fiscal distress for these facilities; and

WHEREAS, the State Legislature does not support the diversion of local sales tax to
pay for a distressed health facilities fund as this has historically been a state
responsibility; and

WHEREAS, a key reason to not rely on highly regressive local property and sales taxes
to support state programs, is that the state tax base is far broader and the tax code is
vastly more progressive so it can call on high income individuals and multi-billion dollar
corporations to generate revenues; and

WHEREAS, the Executive Budget is assuming $38 billion in surpluses over the next
four years with large surpluses in each year of the State Financial Plan, which has never
happened before in the state budget; and

WHEREAS, the SFY 2023 Executive Budget proposes to increase health care spending
by $10 billion over the next several years to support the health care industry, which
includes repealing some of the cuts they imposed at the start of the pandemic thereby
significantly reducing fiscal stress among New York’s health care providers; and

WHEREAS, this vast increase in state financial supports eliminates the need for local
sales tax diversions to support distressed health providers; and

WHEREAS, the counties and New York City will continue to pay $8 billion annually to
support state Medicaid services and benefits, which will directly support health care
providers; and

WHEREAS, Congress recognized the fiscal stress that health facilities shouldered
during the pandemic; and
WHEREAS, Congress authorized $178 billion in direct payments to health care facilities and providers through several different federal COVID pandemic response bills; and

WHEREAS, health care facilities and providers in New York State have received $14.1 billion in federal assistance released in 19 separate installments the latest being in January 2022, with $36 billion of the federal funding still to be distributed; and

WHEREAS, according to press statements from Senators Schumer and Gillibrand, these federal payments replaced 87 percent of the lost revenues for health facilities in New York through the first half of 2020, and more than half of the federal assistance delivered to health providers in New York state occurred after these statements; and

WHEREAS, the magnitude of the federal assistance to health providers in New York State cannot be understated as it would take 56 years of annual diversions of $250 million in local sales tax revenues to equal the amount of federal aid provided in less than two years to New York’s health facilities.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the Governor and State Legislature to sunset this program as scheduled, or in conjunction with the end of the federally declared public health emergency for the COVID-19 pandemic, but no later than September 30, 2022; 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 Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Agriculture & Rural Affairs

Hon. A. Douglas Berwanger (Wyoming County) – Chair
Hon. Terry Wilbur (Oswego County) – Vice Chair
Hon. Paul Ruszkiewicz (Orange County) – Vice Chair
WHEREAS, agriculture is New York State’s largest industry; and

WHEREAS, the Farm Laborers Wage Board has proposed to lower the farm labor overtime threshold from 60 to 40 hours; and

WHEREAS, farmers are critical components of our regional economy and are necessary to ensure supermarkets are stocked with food; and

WHEREAS, New York State is frequently number two in the nation for agricultural products in pounds donated to foodbanks, including the Nourish New York program; and

WHEREAS, donations of New York-grown products would be negatively impacted as a result of lowering the overtime threshold for farm workers; and

WHEREAS, from the outset of the COVID-19 pandemic, farmers have stepped up and ensured their operations continued and were responsible for donating thousands of pounds of food to local food banks at a time of significant need; and

WHEREAS, New York farmers face a tremendous number of challenges outside of their control, including changes in consumer demand leading to price changes, obtaining labor, climate change, land management policies, foreign market competition, and livestock and crop disease; and

WHEREAS, in addition to the practical issues related to growing and selling food products, New York farmers must contend with government regulations, including changes in wages and overtime threshold; and

WHEREAS, New York grown agricultural products would be at a competitive disadvantage in neighboring states as a result of increased labor costs associated with lowering the overtime threshold for farm workers; and

WHEREAS, since the adoption of the 2019 Farm Laborers Fair Practice Act, one of the more pressing issues for the farming community has been mandated overtime requirements which currently grant farmworkers a right to overtime after sixty (60) hours of work each week; and
WHEREAS, New York farmers are reliant on migratory work forces during New York’s short growing season, as workers are here for only a few months in the spring and summer and have limited hours each year to get the work done; and

WHEREAS, the Act does not prohibit the wage board from arbitrarily decreasing the overtime threshold again, further increasing costs on local farms and their use of seasonal workers; and

WHEREAS, the provisions of the Act would negatively impact the farming community by either increasing costs for farmers, who are operating under very tight margins, or will cut into work opportunities for migratory workers and the intended beneficiaries of overtime wages; and

WHEREAS, cutting budgeted support levels and drastically increasing costs through government interference should be avoided whenever possible; and

WHEREAS, together farmworkers and farmers oppose the overtime threshold limit, with 70 percent of all testimony opposing any change and most of the testimony provided in the hearing process requesting “NO CHANGE” to the overtime threshold.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby supports the farmers and migrant workers who do not want their hours reduced; and

BE IT FURTHER RESOLVED that NYSAC hereby supports maintaining the 60-hour work week for farmers and recommends stopping the implementation of a reduction in the farm labor overtime threshold; 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 Kathy Hochul, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.
Resolution in Support of New and Expanded Tax Credits to Support Food Production

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 systems are major economic engines in New York State; and

WHEREAS, farm labor is among the fastest-growing costs of agricultural production in New York; and

WHEREAS, to help farms meet the challenges of rising labor costs and labor shortages, Governor Hochul has proposed new and expanded tax credits to promote farm workforce retention; and

WHEREAS, under the Farm Workforce Retention Tax Credit, farm owners and employers are currently eligible to receive a refundable tax credit of a fixed dollar amount per eligible farm employee through 2024; and

WHEREAS, the proposed budget includes provisions to double the yearly fixed dollar amount per eligible employee to $1,200 and extend the credit through 2025; and

WHEREAS, the SFY 2023 Executive Budget proposal provides for the creation of a refundable tax credit on overtime hours for any size farm to offset increasing costs to farmers associated with the Farm Worker Wage Board’s decision to lower the overtime threshold from 60 hours to 40 hours; and

WHEREAS, the SFY 2023 Executive Budget proposal increases the Investment Tax Credit from four or five percent to 20 percent, allowing farmers to purchase new equipment that could further automate their farms in response to the declining agriculture workforce.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon members of the State Assembly and Senate to ensure these provisions are included in the final enacted 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 Kathy Hochul, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Standing Committee on Agriculture & Rural Affairs
Resolution #3

Expressing Frustration with the Lack of Local Input in Renewable Energy Siting and the Conversion of Farmland

WHEREAS, in an effort to continue New York’s position as a leader in food production, the New York State Association of Counties (NYSAC) Agriculture and Rural Affairs Committee wishes to convey to the Governor and State Legislature the need for a balance between food production and renewable energy production; and

WHEREAS, the state should level the playing field to incentivize landowners to protect productive farmland; and

WHEREAS, prime farmland naturally captures carbon dioxide and should be conserved wherever possible; and

WHEREAS, state law sets a 70 percent goal of renewable energy production by 2030; however, the Committee believes additional time is necessary to achieve this balance; and

WHEREAS, incentives should be focused on locations that are not suitable for food production; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) and Office of Renewable Energy Siting need to engage in closer coordination with each other and the agricultural sector.

NOW, THEREFORE, BE IT RESOLVED, that the NYSAC Agriculture and Rural Affairs Committee expresses frustration with the lack of local input in renewable energy siting and the conversion of productive farmland to energy production; and

BE IT FURTHER RESOLVED, that incentives should be rebalanced to protect productive farmland, and the State’s timetable for meeting its renewable energy production goals should be extended; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Climate Action

Hon. Patrick Ryan (Ulster County) – Chair
Bonnie Lange Lawrence (Erie County) – Vice Chair
Heather Brown (Sullivan County) – Vice Chair
Resolution to Support the Climate Action Plan Scoping Document

WHEREAS, a changing climate is leading to stronger storms, erratic weather, rising seas, increases in invasive species and other negative impacts on our natural environment that adversely affect our residents and the New York State economy; and

WHEREAS, counties are on the forefront of responding to the impacts of a changing climate and building more resiliency into our natural and built infrastructures; and

WHEREAS, counties are leading efforts to combat climate change through initiatives that reduce greenhouse gas emissions and advance the state’s transition to renewable energy; and

WHEREAS, in 2019, the State enacted the Climate Leadership and Community Protection Act ("Climate Act"); and

WHEREAS, the Climate Act requires New York to reduce economy-wide greenhouse gas emissions by 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels, and it sets a priority on climate justice, a just transition to renewable energy, and benefits to public health; and

WHEREAS, the Climate Action Plan, developed by the 22-member Climate Action Council created by the Climate Act, provides recommendations, including provisions that impact county government operations for achieving the statewide goals set by the Climate Act; and

WHEREAS, the draft Scoping Plan includes an analysis that assessed the benefits of avoided greenhouse gas emissions, health co-benefits, and resource costs. The key findings from this assessment are as follows:

• The cost of inaction exceeds the cost of action by more than $90 billion;
• Net benefits range from $90 billion to $120 billion;
• Net direct costs are small relative to the size of New York’s economy; and

WHEREAS, counties will be key to the implementation of many of the policy and regulatory recommendations, in addition to direct implementation of recommendations by county government facilities and operations; and

WHEREAS, Governor Hochul’s SFY 2023 Executive Budget contains several proposals that would support the implementation of the Climate Action Plan, including the following appropriations:

• $4 billion for the Clean Water Clean Air, And Green Jobs Environmental Bond Act ("Bond act");
• $500 million for the Clean Water Infrastructure Act (CWIA); and
NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon Governor Kathy Hochul and New York State Legislature to continue New York's commitment to climate action by including the Executive Budget's proposals for the Bond Act, CWIA, and EPF in the SFY 2023 Enacted Budget; and

BE IT FURTHER RESOLVED, NYSAC calls upon Governor Hochul to ensure that county and local governments are engaged as active participants in the implementation and reviews of the Scoping Plan and provided with technical planning and zoning assistance in all areas where counties are relied upon to craft or revise local policy and regulations that serve to implement the recommendations of the Climate Action Plan; and

BE IT FURTHER RESOLVED, NYSAC supports the Scoping Plan’s recommendation to require the Department of Public Service (DPS) to enable county governments to authorize and form Community Choice Aggregation (CCA) programs with a local opt-out; and

BE IT FURTHER RESOLVED, NYSAC agrees with the recommendation that the “...Department of State should expand Countywide Resiliency Planning grants to incentivize county-wide smart growth comprehensive plans that adhere to clear State goals and outcomes” (Climate Action Plan Scoping Document, p. 294); and

BE IT FURTHER RESOLVED, NYSAC calls upon the State to provide more direct funding assistance to counties to improve energy efficiency of county-owned or controlled assets and to transition to zero-emission county vehicles; and

BE IT FURTHER RESOLVED, NYSAC calls on the Governor to establish a cabinet level lead or office to streamline implementation and improve coordination with counties and local governments in relation to the Climate Action Plan and other climate programs, such as the Climate Smart Communities program, which is currently sponsored by seven different State agencies: DEC, NYSERDA, NYP, DOS, DOH, DOT, and DPS; 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, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Secretary of State, Commissioner of the Department of Environmental Conservation, and all others deemed necessary and proper.
Resolution Requesting the New York State Legislature Establish Solar Panel Recycling Regulations

WHEREAS, solar power is an essential part of New York State's efforts to meet its climate goals, and a robust recycling program will promote a sustainable solar industry in the state; and

WHEREAS, the rise in the use of solar panels has led to an accumulation of waste at the end of the life of the solar panels; and

WHEREAS, solar panels contain recyclable aluminum, glass and plastic, as well as photovoltaic cells, which contain various valuable materials and rare metals; and

WHEREAS, proper recycling of the solar panels will not only ensure that these materials and metals are able to be reused but also ensures that the panels do not prematurely enter the waste stream where they can have potential negative environmental effects; and

WHEREAS, it is imperative that a convenient, safe and environmentally sound system for the recycling of photovoltaic modules, the minimization of hazard waste, and the recovery of commercially valuable materials be established; and

WHEREAS, the responsibility for the reduction of solar panels in the waste stream should be shared among all stakeholders, with manufacturers, distributors, and other related suppliers/corporate entities financing the takeback and recycling system in order to alleviate undue burden on customers, counties, and other local governments.

NOW THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby requests that the State of New York develop and adopt comprehensive solar panel legislation that covers end-of-life recovery and recycling of all solar panels currently in use and being sold in or into New York State; and

BE IT FURTHER RESOLVED, NYSAC further requests that the State of New York:
- Develop legislation using the State's own Sustainable Materials Management Model (SMM) so that the social, economic, and environmental consequences of the choices made today do not adversely impact future generations; and
- Adopt definitions and terms used for solar panel recycling regulations so that the nomenclature is consistent for all counties in the State of New York; and

BE IT FURTHER RESOLVED, that NYSAC hereby requests the New York State Legislature adopt such legislation and amend such laws to establish solar panel recycling regulations, including extended producer responsibility; 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, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of the Department of Environmental Conservation, and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Children with Special Needs

Heidi Bond (Otsego County), Chair
Sarah Boerenko (Montgomery County), Vice Chair
Elizabeth O’Neil (Albany County), Vice Chair
Rita Wood (Ulster County), Vice Chair
Resolution Urging the Governor and State Legislature to Gradually Eliminate the County Fiscal Responsibility for Preschool Special Education and Summer School Special Education Programs

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

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

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

WHEREAS, the State has enacted legislation to provide universal prekindergarten for all age eligible children in New York State to be financed 100 percent with state resources; and

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

WHEREAS, Governor Hochul has proposed a 15 percent provider rate increase, amounting to more than $240 million in additional funding; and

WHEREAS, that NYSAC estimates the financial cost borne by counties for this rate increase is approximately $50 million annually; 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 directly to New York’s highest in the nation property tax burden.

NOW, THEREFORE, BE IT RESOLVED, that NYSAC calls on Governor Kathy Hochul and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs; and

BE IT FURTHER RESOLVED, in the first phase, the State must cap the annual county share growth for state fiscal year 2023 at no more than two percent to mirror the allowable growth in the property tax cap or the average of the last three years of an individual county’s costs, whichever is less; and
BE IT FURTHER RESOLVED, the second phase should include capping county fiscal liability at a zero percent increase for preschool special education and then implementing a multi-year plan to incrementally reduce the county fiscal liability for this program to no more than 25 percent as intended at the inception of the program to help reduce pressure on property taxes; and

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

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
Resolution #2

Resolution Urging the Governor and State Legislature to Adjust the Early Intervention Rate Structure to Improve Access to Services for Children Who Speak a Language Other than English

WHEREAS, the structure of the Early Intervention rate methodology promotes inequitable availability of Early Intervention services in New York City and New York State; and

WHEREAS, because there are no requirements in the New York State Early Intervention Provider Agreement for providers to serve equally families who speak a language other than English, providers are free to choose which families to provide Early Intervention services to; and

WHEREAS, since the rates for bilingual Core Evaluation are insufficient, and providers are still responsible for paying interpreters if a family cancels or does not show up for an appointment, this reduces the incentive for providers to serve children who speak a language other than English.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to allocate State funding for a 15 percent rate increase for Core Bilingual Evaluation; and

BE IT FURTHER RESOLVED, that NYSAC calls on the Governor and State Legislature to establish a mechanism to reimburse providers for interpreter fees when a family cancels the evaluation without enough notice to cancel the interpreter; and

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

BE IT FURTHER RESOLVED, the NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Economic Development & Environment

Hon. William Farber (Hamilton County) – Chair
Hon. Rebecca Ryan (Wyoming County) – Vice Chair
William Rabbia (Oneida County) – Vice Chair
Resolution in Support of Raising the Childcare Subsidy Rate and Increasing the Total Allotment to Social Services Districts in Order to Improve Equitable Access to Childcare Across New York State

WHEREAS, for years, access to high-quality childcare has been limited to those who can afford it or are fortunate enough to receive a subsidy and be able to locate quality care, limiting the ability of parents of young children to enter and succeed in the workforce and for employers to find and retain skilled workers; and

WHEREAS, the average cost of childcare for an infant in New York State is $15,394 per year, which is more expensive than in all but five states in the country;¹ and

WHEREAS, childcare in New York State costs more than college, and infant care is more expensive than the average rent;² and

WHEREAS, the lack of affordable and accessible childcare during the pandemic has driven women, in particular, out of the workforce in large numbers and led many to weigh whether staying out of the workforce is more cost-efficient; and

WHEREAS, New York State’s Child Care Availability Task Force, which was co-chaired by then-Lieutenant Governor Kathy Hochul, recognized that childcare is not just a women’s issue but a societal and economic issue that touches every family, in every community, regardless of neighborhood or economic status; and

WHEREAS, according to a statewide poll conducted in the fall of 2020, the majority of New York State business leaders say the lack of accessibility and availability of high-quality childcare for infants and toddlers negatively impacts their businesses and their ability to hire and retain employees;³ and

WHEREAS, New York employers specifically cite employee absenteeism and calling-out due to a lack of access to and availability of childcare for infants and toddlers, as well as reduced employee productivity and turnover due to child care issues, as contributing to loss in revenue; and

WHEREAS, on average, working parents in America miss five to nine days of work per year because of childcare problems, costing U.S. businesses $3 billion a year in lost productivity;⁴ and

² Ibid.
³ Ibid.
⁴ Ibid.
WHEREAS, Governor Hochul, in one of her first addresses to the business community as Governor, identified childcare as one of her top three priorities to support the economic recovery from the COVID-19 pandemic;\(^5\) and

WHEREAS, Office of Children & Family Services (OCFS) Commissioner Sheila Poole, in a September 2021 interview, called childcare “the superhighway to economic recovery”;\(^6\) and

WHEREAS, the significant difference between the childcare subsidy rate set by OCFS and the actual cost of providing care has contributed to extremely low wages for childcare workers, 98 percent of whom are women and 60 percent of whom are minorities; and

WHEREAS, low wages have led to a shortage of childcare workers, which has meant that childcare providers cannot keep up with demand and have fewer childcare slots to offer; and

WHEREAS, 64 percent of New Yorkers live in communities that qualify as child care deserts, meaning the community lacks sufficient child care for the vast majority of families that need it;\(^7\) and

WHEREAS, the size of the gap between subsidy rates and the true cost of quality varies by region but exists across the state for infants and toddlers; and

WHEREAS, the Child Care Availability Task Force’s final report called on New York State to adopt subsidy rates that are aligned with the true cost of quality care, including recognizing the higher cost of care necessary for infants and toddlers; and

WHEREAS, high-quality childcare promotes healthy child development, which has long-term benefits for children and families, the economy, and society as a whole, as it is proven to reduce rates of incarceration, homelessness, and poverty in later life; and

WHEREAS, children who have quality early learning experiences are less likely to drop out of high school, need public assistance, or become a teen parent and are more likely to go to college and have good health as an adult; and\(^8\)

WHEREAS, quality early care and learning also helps reduce the disparities that are often associated with race, ethnicity, language, citizenship status, and socio-economic level; and

WHEREAS, investing in quality childcare is a critical public investment into a better functioning, more equitable, democratic economy and society.


\(^{8}\) Ibid.
NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports increasing the subsidy rate in the FY 2023 State Budget so it more closely aligns with the actual cost of care; and

BE IT FURTHER RESOLVED, that NYSAC supports increasing the total allotment given to social service districts around the state so they can pay the increased subsidy rate without having to decrease the number of children and families receiving the subsidy; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, OCFS Commissioner Shelia Poole, the New York State Legislature, and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on
Intergovernmental Affairs

Robert Hagemann, Chair, Jefferson County
Cheryl Ketchum, Vice Chair, Wyoming County
Jack Wheeler, Vice Chair, Steuben County
Resolution Applauding the Proposed ConnectALL Initiative and Urging Waiver of all Right of Way Fees for Publicly Funded Broadband Projects

WHEREAS, the State of New York in 2021 claimed that more than 98 percent of New York’s residences and businesses had access to one or more high-speed wired and/or wireless broadband services; and

WHEREAS, based on data gathered directly from schools, municipalities, and other organizations, there continue to be large gaps in broadband service across rural and upstate New York; and

WHEREAS, maps developed by the Federal Communications Commission (FCC) misrepresent the accessibility of broadband service and are often referenced by agencies and grantees; and

WHEREAS, even in areas where broadband is purported to be available, the level of service is not sufficient to constitute true broadband access; and

WHEREAS, our residents need access to reliable and affordable broadband service for school, employment, telehealth, and social aspects of life; and

WHEREAS, as we have seen in the face of this pandemic, broadband serves a vital need for breaking down the digital divide that creates groups of haves and have-nots within our state; and

WHEREAS, the State’s proposed ConnectALL initiative and new Federal funding will help counties expand broadband access in their communities; and

WHEREAS, ConnectALL is designed to facilitate the distribution of over $1 billion in new public and private investments in rural and urban areas; and

WHEREAS, H.R. 3684, the Infrastructure Investment and Jobs Act (IIJA), includes $42.45 billion for broadband expansion, to be allocated through the states for local coordination of funds; and

WHEREAS, broadband access provides a critical public infrastructure need for New York residents, towns, municipalities, counties, emergency services, and more; and

WHEREAS, American Rescue Plan Act (ARPA) funding can also be used in support of local broadband expansion projects; and
WHEREAS, other Federal funding streams, such as those through the US Department of Agriculture and the National Telecommunication and Infrastructure Administration, also support local and rural broadband expansion; and

WHEREAS, many counties are planning or executing broadband expansion projects in their communities; and

WHEREAS, because of recently enacted New York State Department of Transportation Right of Way (ROW) fees, these projects are costing more and covering fewer residents and businesses.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) applauds Governor Kathy Hochul for making broadband expansion a priority through the ConnectALL initiative in the proposed SFY 2023 Executive Budget; and

BE IT FURTHER RESOLVED, NYSAC urges the Governor and legislative leaders to waive the state’s DOT ROW fees for all publicly-funded broadband projects; and

BE IT FURTHER RESOLVED, NYSAC also applauds Senator Majority Leader Charles Schumer and the New York Congressional delegation for ensuring that broadband projects were included in the IIJA and ARPA Federal funding laws; and

BE IT FURTHER RESOLVED, that the Governor work with her administration to maximize and expedite the flow of the most flexible funds to local governments so that we can expand true broadband access to all areas of New York State; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to the New York State Congressional Delegation, Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.
WHEREAS, under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

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

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

WHEREAS, this year the Executive State Budget proposes to maintain a funding floor for community colleges at 100 percent of prior year funding, up from the 98 percent floor enacted in state fiscal year 2022; and

WHEREAS, without a funding floor, community colleges would face a $81 million (13 percent) loss in formula aid due to enrollment declines; and

WHEREAS, the proposed budget also includes $150 million to expand TAP for part time students and for students enrolled in workforce credential programs at community colleges in high demand fields; and

WHEREAS, the global pandemic continues to impact all institutions of higher learning, and many have lost students because of the shutdown of the traditional learning environment; and

WHEREAS, many community colleges are facing volatile enrollment numbers and are asking county sponsors and students to pay more, with county chargebacks also increasing every academic year over most of the last decade far in excess of the rate of inflation.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) applauds the Governor for proposing to implement a state funding floor and for increases in TAP funding for community colleges students; and

BE IT FURTHER RESOLVED, NYSAC calls on the State University of New York (SUNY) to restart the task force to develop a more equitable funding methodology for community college chargebacks for counties sending residents to colleges outside of their border; and
BE IT FURTHER RESOLVED, that the proposed 100 percent funding floor be based on the 2018-19 academic year, to ensure support is back to pre-pandemic levels or the one-third cost, whichever is greater; and

BE IT FURTHER RESOLVED, that SUNY should work closely with community colleges to develop innovative solutions to attract and support students during these changing social, educational, and economic times; 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 Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
NYSAC 2022 Legislative Conference
Standing Committee on Intergovernmental Affairs
Resolution #3

Resolution Urging the Governor and Legislature to Fully Fund the Costs of
Fashion Institute of Technology Chargebacks for Students Working Toward
Bachelor’s and Master’s Degrees

WHEREAS, Community colleges are government-funded two-year colleges that grant
associate’s degrees and certificates; and

WHEREAS, the Fashion Institute of Technology (FIT), is not a traditional community
college because it provides Bachelor’s and Master’s degrees in addition to Associate’s
degrees; and

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

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

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

WHEREAS, counties are currently being charged back for students attending FIT for
Bachelors and Master’s degrees, which was not the intent of state law and the
community college chargeback funding requirement.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of
Counties (NYSAC) calls on the Governor and State Legislature to restore the full funding
of FIT chargebacks to counties for this year and in future years related to all educational
instruction provided after two years (coursework necessary for a 4-year, and/or master’s
degree); and

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

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to
Governor Kathy Hochul, the New York State Legislature and all others deemed
necessary and proper.
Resolution Calling for an Increase in the Share of Revenue Counties Retain for Providing State DMV Services

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

WHEREAS, 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, in recent years, increasingly, DMV fee transaction work has been moved online, and for transactions of this type counties receive little to no funding; and

WHEREAS, the move to online transactions has not decreased the county DMV workload as the transactions selected for this are quick processing in nature, leaving the more difficult and often no fee workload to the county; and

WHEREAS, this dichotomy of the State taking easier transactions online, while not sharing any revenues generated from these transactions with most counties and for those that receive a share it is less than one percent, has created an unnecessary and confusing campaign by which counties encourage residents to go to the local DMV counter to ensure local spending stays local; and

WHEREAS, the Governor’s proposed SFY 2023 Budget has approximately $100 million in additional funding going to the State DMV to improve and upgrade their software, and while this upgrade is needed for better system operations this will also result in more resident online transaction ability; and

WHEREAS, New York State residents should have the ability to use online based DMV services, but the state needs to recognize that the increase in internet-based DMV service transactions will result in less funding to the local DMV agent offices unless the current revenue sharing formula is changed; and

WHEREAS, The New York County Clerks Association, whose members operate county DMV offices, provided testimony to the State Legislature’s Joint Budget Committee on Transportation asking for adjustments in the state’s DMV revenue formula to support local services that our residents rely on for more difficult transactions; 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 over the counter or internet-based sharing rate from the State DMV will not result in any increased costs or fees to
residents or taxpayers and will provide counties with revenue to support necessary local
government services; and

WHEREAS, it is not equitable when a county DMV provides DMV services for our
residents, including overhead and staffing, yet the State takes 87.3 percent of the
revenue generated from these services.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of
Counties (NYSAC) calls on the Governor and members of the State Legislature to
increase the county DMV revenue share on over the counter and internet transactions to
15 percent; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to
Governor Kathy Hochul, the New York State Legislature and all others deemed
necessary and proper.
2021 NYSAC Legislative Conference
Albany County

Standing Committee on Medicaid and Human Services

Kira Pospesel Greene County - Chair
Mike Fitzgerald (Madison County) - Vice Chair
Robert Franklin (Monroe County) - Vice Chair
NYSAC 2022 Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #1

Resolution Urging the Governor and New York State Legislature to Restore
Critical State Funding Support for Child Welfare Services, Safety Net
Programs and to Fully Fund the Recent Foster Care Rate Settlement with
State Resources

WHEREAS, over the last 15 years the state has devolved away from their historic and
constitutional responsibilities of providing social services and support for low-income
families and individuals, as demonstrated through significant reductions in state
financial support for these programs, thereby shifting state costs and responsibilities to
counties and New York City; and

WHEREAS, these state funding shifts have increased county and New York City social
services costs by hundreds of millions of dollars annually because the state requires that
all services still be provided in full, sometimes including new and more comprehensive
service levels, but with less state resources; and

WHEREAS, these cuts include a reduction of state fiscal match from 65 percent to 62
percent for child welfare services, and lowering state fiscal matching funds for Safety
Net Programs from 50 percent to 29 percent along with maximizing federal funding to
offset some of this loss, but the federal funds no longer offset losses for most counties
today; and

WHEREAS, state funding support for the Foster Care Block Grant was cut by $62
million in state fiscal year 2018, a 14 percent reduction; and

WHEREAS, the Governor's state fiscal year 2023 budget proposal would eliminate the
45-day waiting period for cash assistance under the Safety Net Program which will
increase county and New York City costs by $40 million annually; and

WHEREAS, the SFY 2023 budget proposal includes provisions to settle long standing
state litigation related to inadequate foster care rates paid to foster parents; and

WHEREAS, in another recent state negotiated settlement to end litigation the Hurrell-
Harring agreement provided 100 percent state funding support for all new costs of the
settlement; and
WHEREAS, counties and New York City were not part of the foster care payment adequacy lawsuit or the settlement and it was the New York State Office for Children and Family Services that agreed to its terms, including significant increases in expenditures, without providing a corresponding increase in state funds to support the settlement and the Foster Care Block Grant.

NOW, THEREFORE BE IT RESOLVED, the State should provide 100 percent of the necessary funding to cover the settlement they negotiated with The Adoptive and Foster Family Coalition of New York, estimated at $200 million by county officials ($117 million for New York City and $83 million for the remaining counties) for the cost of reaching the Maximum State Aid Rate, plus annual rate increases, along with additional funds to cover the new Extraordinary rate category, which has been publicized as a 46 percent increase to New York City with other increases statewide; and

BE IT FURTHER RESOLVED, the New York State Association of Counties (NYSAC) urges the Governor and the Legislature to restore the state open ended child welfare matching rate to 65 percent; and

BE IT FURTHER RESOLVED, NYSAC urges the Governor and Legislature to restore state matching support for Safety Net Programs to 50 percent without further reducing any other public assistance reimbursement before considering benefit expansions as proposed; 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, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.
Resolution #2
Resolution Urging the Governor and State Legislature to Focus on Rent
Allowance and Standard of Need, Including the Restoration of 50/50 Cost
Sharing for Safety Net Programs and Clarifying Its Homelessness
Prevention Goals by Making Permanent Housing the Central Focus

WHEREAS, homelessness and housing affordability continue to be major concerns across the state; and

WHEREAS, the COVID-19 pandemic has made the situation worse by increasing rental rates and decreasing housing supply, while state policy is increasing the reliance on temporary housing assistance in shelters and motels; and

WHEREAS, the Emergency Rental Assistance Program funding provided by Congress to prevent people from losing their homes and increasing homelessness was an essential strategy as the human hardships would have been far more devastating if we had not kept people housed; and

WHEREAS, the homeless population is facing new problems as the needs of families have become more complicated; and

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

WHEREAS, the state is contemplating new hotel regulations that could reduce the number of units available to homeless families, leaving county officials with very limited options that may be less effective and more expensive in managing local homeless populations; and

WHEREAS, the state requires counties to fund 71 percent of costs for Safety Net individuals and 100 percent of the costs of administering these programs; and

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

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

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and state legislature to prioritize permanency
in housing and to update rental allowances and the standard of need which have not
been properly adjusted in decades to fully address the dramatic growth in housing,
energy and food costs; and

**BE IT FURTHER RESOLVED**, as part of this reform effort the state must restore the
Safety Net state match to 50 percent; and

**BE IT FURTHER RESOLVED**, as most counties rely on hotels and motels to shelter
homeless individuals and families, the state should pare back or end highly burdensome
hotel and motel regulations that end up limiting the supply of rooms available to
counties that have little choice but to rely on this method of temporary housing; and

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

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

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

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

**BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
Governor Kathy Hochul, the Office for Children and Family Services, the Office for
Temporary Disability Assistance and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Native American Affairs and Gaming

Ashley Milliman (Cattaraugus County) – Chair
Hon. John Becker (Madison County) – Vice Chair
Hon. Elizabeth Larkin (Cortland County) – Vice Chair
NYSAC 2022 Legislative Conference
Standing Committee on Native American Affairs and Gaming
Resolution #1

Resolution Calling on the State of New York to Immediately Make All Municipalities Whole that have Been Impacted by the State and Seneca Nation Dispute

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

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

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

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

WHEREAS, in December 2021, the State of New York announced progress has been made in the negotiation efforts to resolve this matter and that back payments from the past four plus years will be forthcoming to the State and local governments and negotiations on a new compact between the State and the Nation will begin; and

WHEREAS, in February 2022 the Seneca Nation Council voted to authorize release of payments only once a final determination is made by the Federal National Indian Gaming Commission regarding the State/Nation compact; and

WHEREAS, the National Indian Gaming Commission started an inquiry in September 2021 to determine if the current compact meets the requirements of the Federal Indian Gaming Regulatory Act; and

WHEREAS, this inquiry has the potential to further delay local aid and as of this date the needed revenue has not been allocated to the local governments impacted; and

WHEREAS, this revenue loss amounts to over $50 million annually to the local governments in Western New York; and
WHEREAS, this lost revenue is needed by the impacted county governments to fix roads, support social services, and provide for public health and safety; and

WHEREAS, municipalities have suffered significant losses, both financial and personal; and

WHEREAS, the Seneca Nation and the counties of New York have a long history of productive partnerships and respect, and the Nation leaders have expressed in the past they would be open to direct fiscal support to local governments; and

WHEREAS, the New York State Association of Counties appreciates the efforts of Governor Hochul to resolve this issue and for her understanding of upstate issues including the importance of this gaming revenue for local service needs.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State of New York to resolve this matter as announced in December of 2021 or if they can not to immediately make municipalities whole for all losses caused by the State’s dispute with the Seneca Nation of Indians in order to avoid further catastrophic harm to public safety and county services; and

BE IT FURTHER RESOLVED, in the alternative if the State is unwilling or unable to make the local governments whole, and the Seneca Nation desires to assist local governments directly, the State will not see this as a violation, nor will this act be subject to the terms of the Seneca Nation and New York State Compact; 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 Kathy Hochul, the New York State Legislature, Seneca Nation of Indians, and all others deemed necessary and proper.
Resolution Calling on the State of New York to Immediately Make All
Municipalities Whole in the Saint Regis Mohawk Tribal Gaming Region that
Have Been Impacted by the State’s Lack of Payment

WHEREAS, On October 15, 1993, the St. Regis Mohawk Tribe and the State of New
York signed a compact paving the way for casino gaming; the Akwesasne Mohawk
Casino opened on April 12, 1999; and

WHEREAS, under agreement and codification in New York law the St. Regis Mohawk
Tribe pays 25 percent of all gaming revenue to the State of New York in return for, in
part, exclusivity regional gaming rights; and

WHEREAS, under the agreement, the State of New York shares with local
governments, including seven counties and numerous towns, in Northern New York, a
portion of revenue they receive from the St. Regis Mohawk Tribe; and

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

WHEREAS, pursuant to a dispute over certain terms of the compact, on or around
2012, $60 million was withheld by the Saint Regis Mohawk tribe into an escrow to be
distributed upon reengagement of negotiations, and $30 million of this funding is still
being withheld; and

WHEREAS, in March 2020, the State of New York, under a State of Emergency, closed
many businesses, especially ones where crowds gathered, including casinos, resulting in
revenue losses for the Akwesasne Mohawk Casino; and

WHEREAS, in August 2020, casinos including the Akwesasne Mohawk Casino were
allowed and did reopen with a limited capacity and began making revenue once again
that is to be shared with the State and local governments; and

WHEREAS, to date, there have been no payments by the State to the seven northern
region counties since the last quarter of 2019; and

WHEREAS, this revenue loss amounts to millions of dollars annually to the seven
northern region counties; and
WHEREAS, this funding is needed by the counties to fix roads, support social services, and provide for public health and safety; and

WHEREAS, the St. Regis Mohawk Tribe and the counties of New York have a long history of productive partnerships and respect; and

WHEREAS, New York State has not been receptive to the resolution of these upstate county needs by easing the financial burden created by the State’s failure to resolve the issue; and

WHEREAS, the State of New York has created a system by which vital local services are dependent on continued revenue being received and distributed to local governments through casino gaming, yet the State has not made a contingency plan and/or ignored the needs of local governments when this revenue is lowered or even not received; and

WHEREAS, a new governor, Governor Hochul, with a fresh perspective which is informed with an understanding of upstate issues offers an opportunity to settle this disagreement.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State of New York to immediately make municipalities whole for the funding being withheld by the State by either lack of collection from the St. Regis Mohawk Tribe or collected and not passed through in a timely manner; and

BE IT FURTHER RESOLVED, in the alternative if the state is unwilling to make the local governments whole, and if the St. Regis Mohawk Tribe desires to assist local governments directly, the State will not see this as a violation, nor will this act be subject to the terms of the St. Regis Mohawk Tribe and New York State Compact; 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 Kathy Hochul, the New York State Legislature, the St. Regis Mohawk Tribe, and all others deemed necessary and proper.
Resolution Calling on the State to Equitably Distribute Gaming Revenue to all New York Counties and to Make Whole Counties Impacted by the State’s Gaming Revenue Changes

WHEREAS, the enacted 2022 State Budget changed the commercial gaming industry by: 1) legalizing mobile sports gaming; and 2) reducing the gaming tax on selected commercial casinos to improve their viability, thereby reducing the amount of revenues collected and shared on an annual basis with local governments; and

WHEREAS, the reduction in the state tax percentage may be of benefit to the casinos and therefore good for their long-term health, which is good for both these businesses and the communities that host them; and

WHEREAS, the 2023 proposed Executive Budget would allow the State Gaming Commission to begin the process for adding up to three more private casinos within the state; and

WHEREAS, these proposed changes directly impact the current local government revenue sharing system within certain regions; and

WHEREAS, in addition to these new state created changes, the state and Seneca Nation compact settlements are still not resolved, heavily impacting local governments that depend on this revenue that is generated from gaming in Western New York, while revenue generated from Saint Regis Mohawk Tribe gaming in Northern New York has not been distributed to counties since the last quarter of 2019; and

WHEREAS, the State’s gaming revenue sharing system brings hundreds of millions of dollars to local governments and has become crucial support of funding needed to operate local government services; and

WHEREAS, any disruption to this sharing system directly impacts a local government’s ability to provide crucial services; and

WHEREAS, the mobile sports gaming system did not allow for revenue sharing with local governments or for gaming system government partners such as OTB and racetracks, yet this system is pulling gaming from more traditional forms that do share revenue with counties; and
WHEREAS, however, because local governments are dependent on the state tax rate for shared gaming revenue, any decrease made by the State in their budget cannot coincide with a loss to such local government; and

WHEREAS, any annual local government decrease caused by state changes to the gaming taxing rate must be backfilled with State funds to support local government services; and

WHEREAS, NYSAC appreciates that the SFY 2022 State Budget added $7 million in state funds to hold harmless local governments for these state tax changes, which is increased to $10 million in Governor Hochul’s 2023 budget proposal.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State to make a permanent annual appropriation to offset any local funding decrease that results from the State’s private casino tax reductions; and

BE IT FURTHER RESOLVED, NYSAC calls on the State to make a permanent annual appropriation to offset any local funding decrease that results from major gaming statewide changes such as mobile sports betting and private casino expansion; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Public Employee Relations

Mark Scimone (Madison County) – Chair
Langdon Chapman (Orange County) – Vice Chair
Paul Eldridge (Putnam County) – Vice Chair
Resolution Calling for the State of New York to Allow for County Home Rule Authority Regarding Employment Residency Requirements

WHEREAS, New York’s Public Officers Law §3 requires certain employees reside in the political subdivision or municipality in which he or she holds such public office; and

WHEREAS, this law has a worthy intent, which is to promote local officials to interact with the community in which they serve, even in off hours, as well as to keep local tax-funded salaries within the community; and

WHEREAS, since the 1970’s, the State has authorized over 70 exceptions to POL residency requirements, including for police officers, in recognition that for some job specifications it is important to increase the potential hiring pool to obtain highly skilled employees; and

WHEREAS, in recent years, the population of upstate New York has declined, shrinking the potential hiring pool; and

WHEREAS, in this same period, the state has forced county governments to vastly increase skilled labor hires in order to implement new state reforms such as raising the age of criminal responsibility, expansion of indigent public defense services and criminal justice reforms such as bail, speedy trial, and discovery; and

WHEREAS, county officials from all areas of the state are reporting difficulties finding and hiring employees to perform vital government services; and

WHEREAS, county governments are best situated to know what job titles should have residency requirements and which should have flexibility to ensure efficient and quality county services.

NOW, THEREFORE, BE IT RESOLVED, that New York State of Association of Counties (NYSAC) calls for the State of New York to amend Public Officers Law §3 and allow for full Home Rule Authority to determine county employee residency requirements; 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 Kathy Hochul, 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, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, on April 1, 2016, the State Legislature approved the Commission’s recommendation and placed Supreme Court Judges’ salaries at $193,000 in 2016 and approximately $207,000 in 2018 and placed County Court Judges at 95 percent of a Supreme Court Justice’s salary; and

WHEREAS, with Cost-of-Living Adjustment increases in 2019 New York Supreme Court Judge’s salaries were set at $210,900; and

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

WHEREAS, historically when the state increased State Judge salaries in the 1980s and 1990s, the State fully funded all D.A. salary increases imposed on the counties, recognizing without this funding the increase would be an unfunded mandate; and

WHEREAS, the State, via the State Office of Indigent Legal Services has made significant funding available to pay for increased criminal defense costs; and

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

WHEREAS, the State Legislature has stated they understand the importance of not shifting more state generated costs to the local tax base, mindful of the impact locally with the state-imposed property tax cap; and

WHEREAS, the State Legislature has recognized lowering property taxes is the main priority to ensure a healthy Upstate New York economy; and
WHEREAS, for smaller counties, the D.A. salary increase can represent nearly one third of their total allowable property tax growth for all government operations.

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 2022-23 state budget and thereafter, including a one-time amount for the retroactive salary increase that has not been funded to date; and

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

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
Resolution Supporting Civil Service Law Changes to Enhance County Hiring Flexibility for Veterans and People with Disabilities

WHEREAS, in recent years local and state government has had difficulty recruiting and retaining qualified employees for needed positions that provide vital services to the public; and

WHEREAS, this recruitment and retention issue with public service has only been accelerated by the COVID-19 crisis; and

WHEREAS, there are underutilized skilled workers within the State of New York that can benefit all if these pools of candidates are found, encouraged, promoted, and retained; and

WHEREAS, underutilized pools of candidates include our state’s veterans and those with disabilities; and

WHEREAS, Civil Service Law has separated the ability to obtain certain public jobs by way of categories such as: 1) “Competitive Class,” which typically means having the proper experience and skillset as well as requiring a qualifying test; and 2) non-competitive class, which may require certain skill sets to obtain a position but does not requires a public test; and

WHEREAS, the Governor’s Executive Budget proposal calls for changing Civil Service Law to allow the transfer of non-competitive employees appointed through the state’s 55-B (individuals with disabilities) and 55-C (veterans) programs into the competitive class if they meet the requisite criteria; and

WHEREAS, more specifically this authority would allow veterans and individuals with disabilities to qualify and transfer from non-competitive employment positions, without testing, into competitive once they have a public employment position and have proven to have obtained the proper skill set for the open competitive position; and

WHEREAS, adopting this change into law would allow for more flexibility in hiring for needed positions by local and State government and help tap into and retain an underutilized skilled pool of the workforce.

NOW, THEREFORE, BE IT RESOLVED, that New York State of Association of Counties (NYSAC) strongly supports the proposed Civil Service Law changes within the Governor’s Budget proposal that will help counties hire and retain a more skilled workforce while at the same time advancing and supporting an underutilized pool of the workforce, veterans and the disabled; 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 Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Public Health and Mental Health

Linda Beers (Essex County) – Chair
Hon. Michael Amo (Orange County) – Vice Chair
Lawrence Eisenstein (Nassau County) – Vice Chair
Resolution in Support of the SFY 2023 Executive Budget Proposal
Regarding Increased Public Health Infrastructure Funding and Urging the
Adoption of NYSACHO’s PREPARE Act Funding Proposals

WHEREAS, local health departments (LHDs) have been chronically underfunded by the state for over a decade; and

WHEREAS, New York State’s local public health workforce is responsible for promoting and protecting the health of New York’s communities in accordance with Article 6 of the Public Health Law; and

WHEREAS, the public health workforce—comprised of public health educators, analysts, epidemiologists, nurses, communicable disease control investigators, public health engineers and sanitarians, community health workers and other professionals—is responsible for preventing disease, protecting the health of New Yorkers, and keeping our communities safe; and

WHEREAS, most of the staff in New York State’s local health departments work to deliver one or more of six core public health services: community health assessment, communicable disease control, chronic disease prevention, maternal and child health services, emergency preparedness services, and, in 31 of the 58 LHDs, environmental health services; and

WHEREAS, these six core responsibilities are set forth in state statute to provide the minimum foundational public health responsibilities delivered by local health departments; and

WHEREAS, the number of LHD staff delivering Article 6 core services declined by seven percent between 2015 and 2020 based on data reported by local health departments to New York State; and

WHEREAS, during this same period, the population of the state increased by three percent, resulting in the statewide staff reductions and hampering the ability of local health departments to address the public health challenges facing their communities, including responding to the COVID-19 pandemic and increasing environmental threats; and

WHEREAS, over a decade of disinvestment in public health has resulted in an aging workforce, with local governments seeing the departure of the next significant retirement age demographic; and
WHEREAS, shortages in fields such as nursing and engineering have resulted in longer periods for recruitment to fill vacancies, as well as competition from the private sector that impacts employee retention; and

WHEREAS, stagnant state aid, tax caps, funding eligibility restrictions, and other administrative barriers all undermine the public health infrastructure necessary to respond to emergencies; and

WHEREAS, the New York State Association of County Health Officials (NYSACHO) has proposed the Public Health Reinvestment and Emergency Pandemic, Adaptability, Readiness and Efficiency (PREPARE) Act to assure that the public health infrastructure can respond to future emergencies, as well as every day public health threats and services

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports the Executive budget proposal to increase the state aid for general public health work base grant for full service LHDs to $750,000 or $1.30 per capita and increase the base grant for partial service LHDs to $577,500; and

BE IT FURTHER RESOLVED, that NYSAC supports the Executive Budget proposal to allow reimbursement of fringe expenses and request that the 50 percent fringe rate cap be removed; and

BE IT FURTHER RESOLVED, that NYSAC commends the Senate for proposing Article VII language to restore funding for New York City’s public health services to 36 percent reimbursement beyond the base grant under Article 6 state aid and calls on the Governor, Assembly, and Senate to include an appropriation in the Enacted Budget to provide for this increased reimbursement; and

BE IT FURTHER RESOLVED, that NYSAC urges the Governor and Legislature, in recognition of the valuable role that medical examiner programs play in public health responses such as the COVID-19 pandemic and opioid epidemic through the provision of death investigations and toxicology services and data, to provide funding for a 50 percent state share for medical examiner services in the 2022-23 state budget; and

BE IT FURTHER RESOLVED, in recognition of the lifelong impact of lead poisoning on children, NYSAC calls on the Governor and Legislature to increase funding for lead poisoning prevention grants to localities to fully fund the implementation of the 2019 elevated blood lead level mandate in the 2022-23 state budget; and

BE IT FURTHER RESOLVED, NYSAC strongly urges the Governor and state legislature adopt and fully fund the PREPARE 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 Kathy Hochul, the New York State Legislature, the New York State Department of Health, and all those deemed necessary and proper.
Resolution Requesting Increased State Aid Funding in the SFY 2023
Enacted Budget to Support the State’s Behavioral Health Workforce

WHEREAS, more than one in three Americans struggle with mental health and/or substance use issues; and

WHEREAS, according to national studies, 83 million people diagnosed with anxiety or depression were unable to access counseling services in 2020 and 42.9 million people struggling with undiagnosed anxiety or depression had an unmet need for treatment, which doubles the annual number from recent years; and

WHEREAS, nationally, thousands of mental health and substance abuse practitioners are needed to fill vacancies across all treatment settings, and the New York State workforce shortage mirrors national trends; and

WHEREAS, the COVID-19 pandemic, coupled with other factors, has only exacerbated the preexisting crisis, with droves of nurses, counselors, psychologists, social workers, and direct service professionals exiting the sector’s workforce or retiring early due to burn out, long hours, low pay, COVID-19 risks, and workplace stress or have moved to private sector jobs with better pay, benefits, and hours; and

WHEREAS, the current state funding set aside has not been able to adequately support the growing demand for services nor sustain the current needs for workforce retention; and

WHEREAS, rising operational costs in areas such as technology, health insurance, utilities, and rent add significant burdens on providers to allocate extremely limited fiscal resources to meet both workforce and operational demands; and

WHEREAS, Local Governmental Units (LGUs) and Directors of Community Services (DCSs) have specific responsibilities and authority under the local services provisions of Article 41 of the NYS Mental Hygiene Law (MHL) for planning, development, implementation, and oversight of services to adults and children in their counties affected by mental illness, substance use disorder, and intellectual/developmental disabilities (I/DD); and

WHEREAS, LGUs/DCSs see first-hand how unmet mental health and substance abuse concerns are crippling our local communities with rising need for inpatient and outpatient treatment services; increased calls to crisis services lines; rising incidents of overdose and overdose deaths, addiction relapse, and suicide attempts; and the impact of providers struggling to adequately staff and maintain programs; and
WHEREAS, LGUs/DCSs strongly support the Governor’s Executive Budget proposal to shore up this critical workforce by committing a $10 billion multi-year investment, including more than $4 billion to support wages and bonuses for New York State’s healthcare workforce; and

WHEREAS, the Governor’s proposed $2 billion to support healthcare and mental hygiene worker retention, $500 million for Cost of Living (COLAs) raises for the human services workforce, and $2 billion for healthcare capital infrastructure will be a significant step in the right direction; and

WHEREAS, the New York State Association of Counties (NYSAC) and New York State Conference of Local Mental Hygiene Directors (CLMHD) will strongly advocate for the inclusion of this much-needed state aid in the SFY 2022-23 Enacted Budget and ask for a sustained commitment to these funding levels in the years to come.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the Governor, Division of Budget, and Legislature to ensure these multi-year investments of state aid funding are directed to the counties, communities, and residents they serve; 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 Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Public Safety

Hon. Sheriff Ron Spike (Yates County) – Chair
Hon. Sheriff Juan Figueroa (Ulster County) – Vice Chair
Hon. Kathy Stegenga (Orange County) – Vice Chair
Hon. Matthew Veitch (Saratoga County) – Vice Chair
Resolution Encouraging the State Legislature and Governor to Enact S.5331 (Stec) / A.857 (Jones) and S.8189 (Hinchey) / A.9164 (Kelles)

WHEREAS, many counties throughout the state are experiencing significant staffing shortages in emergency medical services, jeopardizing the community emergency response to those in need of assistance; and

WHEREAS, Senator Dan Stec and Assemblymember Billy Jones have introduced legislation that would authorize municipalities, including counties, to establish a special district to finance and operate general ambulance services; and

WHEREAS, this legislation would also require the Division of Homeland Security and Emergency Services (DHSES) Commissioner to identify challenges concerning volunteer emergency services or personnel; and

WHEREAS, by authorizing counties to establish special districts, this legislation would increase the quality of emergency protection services in New York State with economies of scale, particularly in the Adirondack region and the rural regions; and

WHEREAS, in addition to Senator Stec and Assemblymember Jones’ legislation, Senator Michelle Hinchey and Assemblymember Anna Kelles have introduced legislation that would establish a CHIPS-based funding formula for municipal EMS districts; and

WHEREAS, a 2013 analysis by the New York State Department of Health (NYSDOH) found that, while the average scene-to-destination time throughout New York State was 13.16 minutes, some parts of the Adirondacks have significantly longer wait times. The average scene-to-destination time is 17.77 minutes in Clinton County, 18.32 minutes in Franklin County, 21.59 minutes in Warren County, 25.55 minutes in Essex County, and 53.46 minutes in Hamilton County; and

WHEREAS, this delayed response poses a significant threat to the lives of those who live and recreate in these counties; and

WHEREAS, states have long used special districts to enhance services for ever-evolving communities; and

WHEREAS, Emergency Services Districts (ESDs), in particular, can reduce response times and increase the survival rate of patients who require prehospital care in areas that have been historically underserved; and
WHEREAS, according to the National Census Bureau, 150 ESDs were created to provide local fire protection and ambulance services between 2012 to 2017 in the United States.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) encourages the Governor and State Legislature to enact S.5331 (Stec) / A.857 (Jones) and S.8189 (Hinchey) / A.9164 (Kelles); 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 Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.
Resolution Requesting the Following Amendments to the Bail Reform, Discovery Reform, and Raise the Age Statutes Should the State Move to Consider Amendments

WHEREAS, the enacted 2017-18 New York State Budget, Part WWW of Chapter 59 of the Laws of 2017 included language to raise the age of criminal responsibility; and

WHEREAS, this legislation includes statutory amendments that created a new Adolescent Offender (AO) classification, established a new Youth Part in the Superior Court, and required all misdemeanor cases, except for Vehicle and Traffic Law (VTL) misdemeanors, to be heard in Family Court; and

WHEREAS, on October 1, 2018, this legislation went into effect for 16-year-old offenders taken into custody and on October 1, 2019, for 17-year-old offenders taken into custody; and

WHEREAS, the 2019-20 New York State Budget included criminal justice reforms that limit bail, amend the discovery and speedy trial process, change civil asset forfeiture, and improve the community re-entry process; and

WHEREAS, the SFY 2019-20 Adopted Budget eliminated monetary bail for people facing misdemeanors and non-violent felony offenses which went into effect, January 1, 2020; and

WHEREAS, the enacted 2019-20 state budget also required prosecutors and the police to share more information, and more quickly, with the defense before a trial takes place; and

WHEREAS, this reform to the discovery statute also included disclosure of evidence and information favorable to the defense; intended exhibits; expert opinion evidence; witnesses’ criminal history information; and search warrant information will be made available to defendants in a timely and consistent manner; and

WHEREAS, the legislature may endeavor to eliminate cash bail altogether for all crimes; and

WHEREAS, this will assure that defendants will not be kept behind bars solely because they are poor; and

WHEREAS, further, the proposal calls for giving judges the discretion to impose conditions of release if the defendant either poses a flight risk or is a danger to the safety of any person or the community; and
WHEREAS, if no condition can reasonably assure the defendant’s return to court or assure the safety of any person or the community, then the judge has discretion to remand the defendant; and

WHEREAS, in making a determination, the judge would consider such factors as the defendant’s history of violence; and

WHEREAS, the New York State Association of Counties (NYSAC) recognizes the importance of this law and encourages the State Legislature to consider amendments that consider the existing public safety landscape throughout our state and in accordance with the New York State Justice Task Force.

NOW, THEREFORE, BE IT RESOLVED, that NYSAC encourages the Governor and State Legislature to consider the following amendments to the bail, discovery, and raise the age statutes:

- The State should eliminate cash bail altogether by eliminating the inequities that allow wealth to determine freedom;
- The State should allow judges to consider a defendant’s public safety risk, so that the people who pose the biggest threat to our communities can be taken off the street;
- If a 16 or 17 year old is arrested on a gun charge, prosecutors should have the ability to charge the individual in criminal court, rather than family court;
- The public display of the gun should not be a factor as it is under current legislation; the carrying of a gun should be treated the same way whether the individual displays it or not;
- The State must also pass legislation empowering district attorneys, in the event of a gun charge, to proceed with section 30.30 if they have enough evidence to bring to trial, even as they accumulate additional pieces. All evidence would be required to be handed over in discovery 30 days before the trial; and
- The voluminous requirements of the new discovery bill have jammed up too many cases. We urge the State to distinguish what is truly necessary for discovery, especially in cases where a complainant directly brought law enforcement to the scene.

BE IT FURTHER RESOLVED, We encourage the legislature and Governor to reform the judicial review board to be an independently appointed board nominated with equal nominees from the Governor, the Speaker of the Assembly, and the Senate Majority Leader.

BE IT FURTHER RESOLVED, that the state should also fully reimburse county district attorney and sheriff offices for costs incurred due to statutory reforms; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and
BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.
Resolution in Support of Efforts to Improve Probation and Alternatives to Incarceration in New York State in Order to Protect the Public and Reduce Reliance on Prisons, Jails and Detention

WHEREAS, county probation departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

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

WHEREAS, state funding for probation was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2022, putting a huge strain on counties and cost to county property taxpayers; and

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

WHEREAS, the New York State Council of Probation Administrators, representing New York State probation directors, administrators, and commissioners has diligently worked with the New York State Association of Counties (NYSAC) and State leaders to bring more awareness to the important work that Probation does to protect the public.

NOW, THEREFORE, BE IT RESOLVED, that NYSAC supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

1. In response to raise the age legislation:
   A. Mandate that the state’s evidence-based criteria should account for existing local best practice programs.
   B. Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process.
   C. Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer, instead of physical arrest, when adolescent offenders and juvenile offenders are charged with most D felonies.
   D. Allow law enforcement agencies to deliver adolescent offenders and juvenile offenders to be held in detention facilities after hours without a securing order until the youth part is in session.
2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent of all local probation costs including but not limited to probation personnel and evidence-based programming associated with raise the age legislation.

3. Eliminate the requirement of a sentence of a conditional discharge or probation for leandra law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.

4. That local probation departments receive 100 percent of all pre-trial services cost including but not limited to probation personnel associated with bail reform.

5. Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated.

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the State Legislature and all others deemed necessary and proper.
Resolution Calling on New York State to Sufficiently Invest in 9-1-1 Funding to Ensure Proper Maintenance with Existing Systems and Prepare for Next Generation 9-1-1 Technologies

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

WHEREAS, the FCC has released their latest report for 2020 and its shows that New York collected $241,643,008.00 and diverted over $100,765,134.34 (41.7 percent) to other non 9-1-1 related purposes and the general fund; and

WHEREAS, currently it states in the Tax Law, Article 186-f, Section 5, forty-one and seven-tenths of the revenues collected and received are swept into the state general fund and not provided for public safety services; and

WHEREAS, this diversion shifts the bulk of Next Generation 9-1-1 (NG 9-1-1) readiness financing to counties and other local governments PSAPs in New York State; and

WHEREAS, the diversion of E9-1-1 funds results in a system that does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement NG 9-1-1 technology required under federal law; and

WHEREAS, under current law, for the last four budget years, $10 million was authorized and targeted directly to PSAP’s and up to $65 million was set aside for the provision of grants and reimbursements to counties administered by the state interoperable communications grants (SICG) program, administered by the New York State Division of Homeland Security and Emergency Services; and

WHEREAS, due to the designation of E9-1-1 fees for non 9-1-1 related expenses, New York State PSAPS are not eligible for any of the $115 million federal grant funding for E9-1-1 and NG 9-1-1 enhancements and IP based advanced networks; and

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

WHEREAS, NG 9-1-1 upgraded systems will be able to better pinpoint an emergency call that may be in a remote area of the state or in a multi-storied building in one of our communities; and
WHEREAS, recognizing a more precise location of those needing emergency services will improve outcomes and save lives, but this cannot be accomplished without consistent and timely funding from the State.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on Governor Kathy Hochul and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications to release all funds authorized within the Enacted State Budget to ensure eligibility for federal FCC E9-1-1/NG9-1-1 resources, and to ensure monies collected for the Public Safety Surcharge are allocated within that budget year and remain in the Public Safety Surcharge fund and not moved into the general fund for nonpublic safety related purposes; and

BE IT FURTHER RESOLVED, that NYSAC further calls on the State Division of Homeland Security and Emergency Services (DHSES) to implement the draft 9-1-1 plan, and ensure the creation of a statewide NG 9-1-1 system connecting all of the county and municipal 9-1-1 systems into one statewide system; and

BE IT FURTHER RESOLVED, the NYSAC further calls on the State to fund NG 9-1-1 implementation with state resources; and

BE IT FURTHER RESOLVED, releasing these funding obligations on a regular schedule will provide certainty and build continuity as we upgrade and maintain existing systems and prepare for NG 9-1-1 development and implementation; 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, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, DHSES Commissioner Jackie Bray, and all others deemed necessary and proper.
Resolution Calling for State Funding for New Jail Mandates

WHEREAS, the State Legislature has imposed several new, costly statutory mandates on local governments in recent sessions, namely, that local correctional facilities implement sweeping changes regarding the use of segregated confinement, that local correctional facilities offer comprehensive substance use disorder treatment programs including medication assisted treatment, and requiring the recalculation of interest on consumer debt judgments; and

WHEREAS, the implementation of these new mandates will require millions of dollars of new spending by localities; and

WHEREAS, the SFY 23 Executive Budget allocates $45 million for DOCCS to implement the HALT Act in state correctional facilities and $11 million to support implementation of Medication Assisted Treatment (MAT) in State correctional facilities; and

WHEREAS, the State has not provided adequate funding to counties to implement the HALT Act or MAT in local correctional facilities.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on Governor Kathy Hochul and the State Legislature to properly fund local governments to ensure proper compliance with these new programs; 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 Kathy Hochul, the New York State Legislature, Division of Homeland Security and Emergency Services Commissioner Jackie Bray, and all others deemed necessary and proper.
Resolution Calling for Additional Civil Service Reforms

WHEREAS, it has been the experience of law enforcement administrators that the hiring and retention of public safety professionals has been hampered in recent years by a confluence of social and economic factors; and

WHEREAS, such hiring and retention difficulties are only compounded by current civil service laws and regulations which prevent the efficient and timely recruitment of law enforcement personnel; and

WHEREAS it is the shared goal of all law enforcement administrators to increase efficiency in their hiring practices; and

WHEREAS, it is the State’s clear goal, as expressed through the Governor’s Executive budget proposal to amend Section 57 of the Civil Service Law to allow continuous recruitment by state and local government by removing the current language that stipulates that continuous recruitment is only now authorized when there are “inadequate numbers of well qualified individuals available for recruitment,” to allow for greater ease in expeditiously recruiting qualified civil servants.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the State of New York to allow counties to make use of the online continuous recruitment tool currently utilized by several state agencies, namely, the Department of Corrections and Community Supervision in their recruitment of correction officers; 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 Kathy Hochul, the New York State Legislature, Division of Homeland Security and Emergency Services Commissioner Jackie Bray, and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on Taxation and Finance

Ruth Doyle (St. Lawrence County) – Chair
Hon. Terri L. Ross (Alleghany County) – Vice Chair
Hon. Patrick Schmitt (Wayne County) – Vice Chair
Resolution Supporting the Executive Budget Recommendation to End the Diversion of County Sales Tax for AIM-Related Payments and to Return this Responsibility to the State

WHEREAS, three years ago the state enacted budget legislation to divert $59.1 million annually in county sales tax to backfill state funding cuts to the AIM program; and

WHEREAS, sales tax is the number one revenue source for many counties across the state and therefore the primary local revenue to support services in our communities, especially for front line workers responding to and facilitating recovery efforts from the pandemic, as well as keeping property taxes lower in hundreds of communities across the state that receive a share of county sales tax; and

WHEREAS, the practice of supplanting state revenues with county sales tax results in regressive tax policy, jeopardizes local services and keeps property taxes higher than they need to be; and

WHEREAS, the SFY 2023 Executive Budget recommendation proposes to repeal the diversion of $59.1 million annually for AIM-Related Payments and restores the full funding responsibility for the AIM program to the state; and

WHEREAS, keeping local taxes local is the best way to ensure county services are maintained and strengthened, while keeping property taxes lower; and

WHEREAS, ending the state diversion of county sales tax to support state spending initiatives will strengthen accountability and transparency to the taxpayer.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties applauds, and strongly endorses, the Governor’s budget proposal to repeal the diversion of county sales tax for AIM-Related Payments and to restore the full funding of the AIM program to 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, the New York State Association of Counties shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
Resolution Supporting the Governor’s SFY 2023 Budget Proposal to Permanently Extend all Existing Local Sales Tax Rates, and to Allow All Counties to Set Their Local Rate up to Four Percent Under Local Law

WHEREAS, for many years, counties have faced significant challenges in balancing their budgets and providing local services, while also meeting the goals of the property tax cap and state requirements to pay for and administer a wide variety of state programs; and

WHEREAS, numerous state actions have fundamentally altered the home rule authority granted to counties in the state constitution and further supplemented in state law, resulting in county elected leaders losing control and authority over the ability to generate and determine the use of locally raised revenues for local purposes; and

WHEREAS, these repeated state actions include:
- Expanding existing state programs and creating new ones that counties must pay for and administer with limited or no state resources to support higher costs,
- Reducing the state’s funding in support of their own programs and requiring local taxpayers to pay more,
- Withholding hundreds of millions of dollars of enhanced federal Medicaid matching funds owed to counties for years,
- Diverting, and redirecting the use of, local sales tax for state spending purposes, and
- Authorizing the state to cut hundreds of millions of dollars in state reimbursements to counties when the state finds itself in financial trouble due to overspending or a recession, even in the midst of a pandemic; and

WHEREAS, these actions over many decades now require counties to administer and pay for more than 40 state programs that can consume up to 80 percent of a county’s entire budget; and

WHEREAS, local elected officials rely on their home rule authority to determine what mix of local taxes is the least burdensome in their community; and

WHEREAS, county elected officials should not have to wait months, or years, for the State Legislature to convene and finally approve a local home rule revenue request to raise necessary resources to respond to critical community needs, especially in the middle of a national emergency; and

WHEREAS, the loss of these revenues causes fiscal stress and budget uncertainty for counties, while increasing pressure on property tax rates; and
WHEREAS, in the case of sales tax, counties often share the revenues with cities, towns, and villages to help pay for services delivered by these municipalities, or to directly lower the amount of property taxes levied in these jurisdictions; and

WHEREAS, even during the pandemic the pass through of county sales tax revenue to cities, towns, and villages reached nearly $2 billion in 2020; and

WHEREAS, counties have found their local home rule revenue requests and renewals held hostage by state elected officials as political bargaining chits; and

WHEREAS, New York City was granted permanent local authority over their sales tax rate of 4.5 percent more than a decade ago, while county requests for the same authority for sales tax permanency have been repeatedly denied; and

WHEREAS, the Governor’s proposed state fiscal year 2023 budget includes a provision that would make all existing county sales tax rates permanent and allow all counties to set their local tax rate up to four percent under local law; and

WHEREAS, granting this authority will provide more budget certainty and stability, including helping with county credit ratings; in addition to reducing administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties applauds, and strongly endorses, the Governor’s state fiscal year 2023 budget proposal that will provide parity with New York City by granting permanent home rule sales tax authority to counties at their current rate or up to four percent; 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 Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
NYSAC 2022 Legislative Conference
Standing Committee on Taxation and Finance
Resolution #3

Resolution Supporting the Governor’s SFY 2023 Budget Proposal to
Modernize Tax Laws to Include the Vacation Rental Industry and to Ensure
These Changes are Appropriately Tailored for the Needs of Localities

WHEREAS, the Internet and numerous platforms that help facilitate retail
transactions electronically have provided a boost for many sectors of the economy and
made it easier for consumers to purchase goods and services; and

WHEREAS, electronic commerce has been growing annually at double digit rates for
more than a decade, with even faster growth experienced during the COVID-19
pandemic; and

WHEREAS, this form of commerce has opened up opportunities for an entirely new
group of retailers and entrepreneurs; and

WHEREAS, with this growth many states have realized their tax systems need to be
updated to accommodate the new modalities of retail activity; and

WHEREAS, a sizable number of new vendors and owners that use these platforms, or
sell directly over the Internet, do not always understand their responsibility to collect
state and local sales tax on taxable transactions; and

WHEREAS, the growth in online platforms that facilitate vacation rentals is an area
that is in need of modernization and simplification to ease the burden on small vendors,
sure taxes owed are collected and remitted to the state and local governments, and to
make sure there is a level playing field among marketplace participants and operators
that provide short-term lodging (such as online vacation rentals, hotels, bed and
breakfasts, etc.); and

WHEREAS, the Governor’s SFY 2023 Budget proposes to update sales tax laws to
define marketplace providers that facilitate vacation rentals (such as Airbnb, VRBO,
etc.) as persons required to collect tax on such sales; and

WHEREAS, 35 counties have entered voluntary local occupancy tax collection
agreements with Airbnb, these agreements only call for the collection of local occupancy
taxes and additional legislation, as proposed by the Governor, is necessary to expand
these collection responsibilities to state and local sales tax; and

WHEREAS, the state budget estimates that modernizing this section of sales tax law
could bring in tens of millions of dollars annually in local sales tax currently owed but
uncollected at this time; and
WHEREAS, counties, New York City and a variety of other municipalities have local occupancy taxes, but also have unique non-tax related needs and concerns regarding short term vacation rentals.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) applauds the Governor for making this proposal part of the SFY 2023 Executive Budget Recommendation; and

BE IT FURTHER RESOLVED, NYSAC supports modifications to this proposal to extend the tax collection requirements for these vendors to include local occupancy taxes at local option; and

BE IT FURTHER RESOLVED, because certain jurisdictions have unique needs and local laws regarding short term rentals that may not be fully addressed in this legislation that a local opt out be included; 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 Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
2022 NYSAC Legislative Conference
Albany County

Standing Committee on
Transportation and Public Work

Hon. Dwight Fanton, (Allegany County) – Chair
Deborah Donohue (Washington County) – Vice Chair
Sandra Fusco (Putnam County) – Vice Chair
Resolution Urging the Enactment of an Increase in the Statutory CHIPS Bidding Threshold

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

WHEREAS, when the estimate for the contract work exceeds $350,000 the work must be competitively bid in accordance with the provisions for competitive bidding in the General Municipal Law; and

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

WHEREAS, Governor Kathy Hochul included an increase in the current cost threshold from $350,000 to $750,000 over which local highway and bridge construction work under the CHIPS program must be competitively bid in the 2022-2023 Executive Budget; and

WHEREAS, the Governor justifies the need for the increase in the minimum competitive bid threshold to mitigate the inflationary impacts on materials, labor, equipment and other construction related costs and maintains that enactment of this increase is necessary to allow more flexibility for municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports the adoption of budget language that increases the CHIPS bidding threshold to give municipalities flexibility and the option to bid out or perform in-house projects that cost less than $750,000 to allow more opportunities for county governments to act to minimize the cost of its transportation projects on behalf of local taxpayers; and

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

BE IT FURTHER RESOLVED, the New York State Association of Counties shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary.
Resolution Urging Legislative Support for Governor Kathy Hochul’s Executive Budget Initiatives to Promote the Post-COVID Recovery and Transformation of New York Airports

WHEREAS, Governor Kathy Hochul released an Executive Budget that incorporates a new Five-Year Transportation Capital Plan to support a variety of capital investments in transportation infrastructure, including for the state’s airports; and

WHEREAS, the Executive Budget proposes an additional $150 million to complete the funding requirement for the $250 million Upstate Airport Economic Development and Revitalization program that will transform and modernize airports in Upstate New York and foster regional economic development; and

WHEREAS, this initiative allocates $230 million to projects that promote and accelerate improvements at upstate commercial passenger service airports, and $20 million through the Aviation Capital Grant Program spread over the next five years to support safety, infrastructure, and economic development projects at smaller airports; and

WHEREAS, airports are the gateways to our state driving business and attracting tourists from all around the world and rebuilding, and modernizing New York airports with these critical investments will allow for the continued transformation of our airports into 21st century facilities, fueling economic growth for decades to come; and

WHEREAS, the Covid-19 pandemic was a shock to the worldwide aviation system and hit New York airports particularly hard causing disruptions and new kinds of inconveniences and hardships to the traveling public which now has airport managers and designers rethinking the ways in which to respond and provide a better customer experience; and

WHEREAS, faced with reduced revenues from declining passenger numbers, major airlines running into financial difficulties and shifting to longer-range aircraft, significant aviation sector job losses, domestic carriers growing their major hubs and focusing on more profitable routes, smaller airports outside major cities are struggling making it more difficult for upstate communities to attract or retain air service; and

WHEREAS, adding to the challenges is the necessity that airport infrastructure projects reflect sustainably and resiliency to combat the risks of climate change; though aviation represents less than 3 percent of the world’s carbon emissions, the aviation industry is already migrating to biofuels and nearly every major airline is conducting demonstration flights using alternative fuels while startups are experimenting with electric planes; and
WHEREAS, airport managers and aviation companies are committing to advancing an inclusive culture by actively seeking diverse voices and promoting practices that enable everyone to excel so the industry will remain on the forefront of progress and innovation empowering each individual to be part of a dynamic system that by its very nature connects people with each other and with those of other nations around the world; and

WHEREAS, airport infrastructure funding sources include federal grants, operating revenue from tenant leases and parking, the passenger facility charge fliers pay when they purchase their plane tickets, aviation fuel sales and concession assessments, yet airports have an infrastructure backlog of $115 billion according to Airports Council International; and

WHEREAS, the enhanced capital funding initiatives in the Executive Budget builds on the success of the previous round of upstate airport revitalization awards first announced in 2016, and compliments the ongoing transformation of LaGuardia and John F. Kennedy airports into world class travel hubs; and

WHEREAS, this investment commitment by the state will assist airports and the aviation communities in meeting their obligations to support business travelers and tourism, attracting or retaining regularly scheduled commercial service to disadvantaged areas, and adding conveniences and amenities for travelers when weather events or public health restrictions result in delayed or cancelled flights, forcing individual and families to spend long hours within the confines of an airport; and

WHEREAS, capital funding will also assist in addressing the demands to green airport operations and achieve sustainability, create good paying permanent jobs and promote a more diverse workforce, advance aviation education and career opportunities and expand the benefits of general aviation by hosting flight schools and pilot training, and basing of military and medical emergency response aircraft for mercy flight missions.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties supports the inclusion of the airport capital appropriations announced by Governor Hochul in her 2022-2023 Executive Budget and that they be adopted in their entirety in the final state spending plan; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
Resolution urging the Governor and State Legislators to Enact Record
Increases for Local Highway, Bridge and Culvert Programs to Assist
Counties in Maintaining Their Critical Infrastructure

WHEREAS, Governor Kathy Hochul has released an Executive Budget with a record
$1.23 billion per year investment in local road and bridge programs that will improve
safety for millions of motorists and create tens of thousands of jobs at a critical time to
promote economic recovery; and

WHEREAS, this new 5-year State Transportation Capital Plan provides unprecedented
support for local governments to maintain and improve roads and bridges highlighted
by the Consolidated Local Streets and Highway Improvement Program (CHIPS) funded
at $538 million, for state reimbursement to localities for the costs of highway, bridge,
and culvert work as well as for pedestrian walkways, bicycle lanes, and other complete
streets enhancements; and

WHEREAS, BRIDGE-NY, a critical local program that provides enhanced assistance
for local governments to rehabilitate and replace bridges and culverts, is funded at $200
million per year, nearly doubling the annual levels of the past few years; and

WHEREAS, under PAVE-NY, $150 million is to be allocated to all municipalities
throughout the state which will go toward improving the conditions, functionality and
safety of local roadways, creating jobs and contributing to economic development in our
communities through projects like roadway resurfacing, widening and realignment,
construction of turning lanes at intersections, and new drainage for flood mitigation;
and

WHEREAS, the Extreme Winter Recovery and State Touring Routes Programs
historically sponsored by the Legislature are proposed at $100 million each in the
Executive Budget allowing for additional construction, reconstruction or improvement
of local highways, bridges, and maintaining important connecting routes for urban and
suburban commutes; and

WHEREAS, Governor Hochul is initiating a brand new program, Operation Pave Our
Potholes (POP), to provide $1 billion over 5 years with fifty percent of the funds to be
distributed annually to local governments based on existing distribution formulas and
the other half to NYSDOT to resurface and renew the state’s worst roadway pavements;
and

WHEREAS, the Federal Infrastructure Investment and Jobs Act (IIJA) allocates
funding specifically for off system bridges; 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 this level of funding is expected to have a positive impact on the condition and resiliency of our transportation systems; and

WHEREAS, about 90 percent of local roads are not eligible for federal funding; and

WHEREAS, this vast system of local roads, bridges and culverts is in need of a sustained high level of funding in the future to continue to reverse the deterioration of our aged and ailing transportation infrastructure and build up its resistance to natural disasters due to climate change; and

WHEREAS, a safe and efficient transportation 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.

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

BE IT FURTHER RESOLVED, that while the CHIPS program is held at $538 million, it is hoped that with the projected state budget surpluses an additional increase in CHIPS funding can be enacted that will raise the annual level to $788 million over the next 5 years and increase the Extreme Winter Recovery funding by $50 million consistent with the Senate One-House budget proposal; and

BE IT FURTHER RESOLVED, that the Operation Pave Our Potholes funds be distributed via the CHIPS or EWR formula so that every municipality in the state receives a fair share of these dollars; and

BE IT FURTHER RESOLVED, that the IIJA off-system bridge program should be administered so that 100 percent of the funding is dedicated to local bridges; and

BE IT FURTHER RESOLVED, that NYSAC looks forward to working with Governor Hochul and the Legislature as deliberations on the state budget and Transportation Capital Plan continues; 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 Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
Resolution Urging That Awards Under the BRIDGE-NY Program Be Finalized and Announced in a Timelier Manner

WHEREAS, Governor Kathy Hochul has released an Executive Budget that includes a robust 5-Year State Transportation Capital Plan with a record $1.23 billion annual investment in local road and bridge programs; and

WHEREAS, this new Capital Plan provides unprecedented support for local governments to maintain and improve roads, bridges and culverts; and

WHEREAS, BRIDGE-NY, a critical local program that provides enhanced assistance for local governments to rehabilitate and replace bridges and culverts; and

WHEREAS, the Governor has proposed that this important local program be funded at a record $200 million per year, nearly doubling the annual levels of the past few years that will create thousands of new construction jobs and contribute to economic expansion in our communities; and

WHEREAS, the timely announcement of the funding awards from this program is vital for counties to help plan and budget for the resulting funding and spending authority needed for their highway and public works departments; and

WHEREAS, the most recent solicitation for BRIDGE-NY projects was issued in January 2021 with a final application submittal deadline of May 19 for culverts and June 9 for bridges; and

WHEREAS, it is recognized that the prereview and full review and scoring process by the New York State Department of Transportation takes time, while project selection can typically be completed within four months; and

WHEREAS, in 2021, the awards were not announced until December 15, well beyond the time frame for counties to prepare their budget to be presented for approval by their county Legislature or Boards of Supervisors; and

WHEREAS, the cost of these projects have grown significantly as a result of impact of COVID on the cost of construction materials and inflation.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) is urging the New York State Department of Transportation (DOT) to consider the role of the county budget process and endeavor to complete the review and award selection and announcements in a timelier manner; and
BE IT FURTHER RESOLVED, NYSAC calls on DOT to complete and provide an inventory of BRIDGE NY projects with updated budgets based on construction cost increases; and

BE IT FURTHER RESOLVED, these BRIDGE NY project funds should be increased to cover higher costs so that these projects can be completed; and

BE IT FURTHER RESOLVED, previously awarded NYSDOT managed local projects shall be fully funded; 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 Kathy Hochul, the New York State Legislature, the Commissioner of the Department of Transportation and all others deemed necessary and proper.
Resolution Urging the Governor and State Lawmakers to Grant Design-Build Construction Authority to Counties and New York City

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

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

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

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

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

WHEREAS, the New York City Public Works Investment Act, authorizes some New York City agencies to use the design-build delivery method for certain capital projects over a specified dollar threshold amount; and

WHEREAS, New York State has granted design-build authority to itself and to New York City with great success the same authority should be granted to counties; and

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

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

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

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