2023 NYSAC Legislative Conference Resolutions

Albany County
February 27 – March 1, 2023

Michael E. Zurlo, President

Stephen J. Acquario, Executive Director
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2023 NYSAC Legislative Conference
Albany County

NYSAC Board of Directors
Michael E. Zurlo, President
Calling on the State of New York to Continue to Pass-Through Federal Savings to Counties and New York City Provided by the Affordable Care Act Enhanced Federal Medicaid Assistance Percentage

WHEREAS, the Governor’s State Fiscal Year (SFY) 2024 Budget proposes to end the practice of passing through federal savings provided by the Affordable Care Act (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) to counties and New York City; and

WHEREAS, the elimination of this ACA eFMAP federal pass-thru will require the counties outside of New York City to spend at least $280 million more in SFY 2024, and up to $625 million when New York City is included according to the Governor’s Budget; and

WHEREAS, the costs to local taxpayers are even greater when six years of uncompleted ACA eFMAP reconciliations are considered, as the state Department of Health has indicated counties are potentially owed hundreds of millions of dollars from these uncompleted reconciliation payments; and

WHEREAS, the SFY 2024 costs to counties and New York City are scheduled to grow by 30 percent by SFY 2027; and

WHEREAS, the minimum four-year cost to local taxpayers from this administrative proposal is at least $2.5 billion, according to the Governor’s budget; and

WHEREAS, counties strongly disagree with the need to shift new costs to local taxpayers when the Governor’s budget proposes to fully fund state reserves two years ahead of schedule by depositing $5.4 billion into these accounts before the end of SFY 2023, while also projecting a general fund surplus of $35 billion by the end of SFY 2024; and

WHEREAS, this goes against 20 years of state precedent in sharing these federal savings, as well against congress’s intent for the eFMAP; and

WHEREAS, the State is proposing to permanently intercept all of these federal savings and use them to cover overspending in the Medicaid program; and

WHEREAS, while Medicaid spending is set to exceed allowable growth limits established under the state’s Medicaid Global Cap, the budget proposes to further expand Medicaid eligibility and benefits and to increase payments to health care providers; and
WHEREAS, the proposed budget fails to offset these new Medicaid costs with common
sense program reforms and cost containment actions to ensure Medicaid spending stays
under state law limits and on a sustainable path; and

WHEREAS, due to the failure of the State to contain out of control Medicaid costs, it
has turned to shifting billions of dollars in new costs to local taxpayers; and

WHEREAS, by SFY 2027, the state cost shift from this single initiative will be
equivalent to an average property tax increase of seven percent statewide and up to 14
percent in individual counties outside of New York City; and

WHEREAS, it is the strong view of NYSAC that Congress intends for these federal
savings to be shared with counties proportional to the amount they contribute toward
the nonfederal Medicaid match; and

WHEREAS, since 2003, the State has shared the funds proportionally based on our
analysis of savings counties have received during periods when an enhanced federal
Medicaid match was enacted by Congress and confirmed repeatedly by documents the
Department of Health has sent to counties regarding Medicaid weekly shares; and

WHEREAS, starting in SFY 2014, New York State began sharing these federal ACA
savings directly with counties by lowering the weekly payments each county and New
York City made in support of the State-designed and -controlled Medicaid program; and

WHEREAS, through February 1, 2023, the State continues to share the federal savings
from the ACA eFMAP with the 57 counties and New York City.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of
Counties (NYSAC) calls on the Legislature to reject the Governor’s proposed
administrative action and ensure that these federal funds continue to be shared with
counties as is Congress’s intent and has been the State’s precedent and interpretation of
the federal statute for over 20 years; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to
the Governor of the State of New York, the New York State Legislature, the New York
State Congressional Delegation, and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Agriculture & Rural Affairs Resolutions

Hon. A. Douglas Berwanger (Wyoming County) – Chair
Hon. Paul Ruszkiewicz (Orange County) – Vice Chair
Hon. Terry Wilbur (Oswego County) – Vice Chair
Resolution in Opposition to Alter the New York Soil and Water Conservation District Law

WHEREAS, Soil and Water Conservation Districts (SWCDs) have existed for over 70 years in communities across New York State and were established to meet the needs of the state’s diverse geographical regions with local leadership; and

WHEREAS, SWCDs provide counties with a wide range of environmental services, including watershed monitoring, soil health protection, sediment and erosion control, stormwater management, invasive species mitigation; and

WHEREAS, SWCDs strive to make programs and services that are inclusive and open to everyone; and

WHEREAS, state law establishes that each SWCD’s Board of Directors shall have two members of the county board and three members who are not of the county board, two of whom shall be practical farmers selected by the county Grange and county Farm Bureau; and

WHEREAS, this framework provides each county with the flexibility to select a Board that meets its unique needs; and

WHEREAS, the New York State Association of Counties (NYSAC) was notified that the Watershed Health Coalition has proposed significant changes to Soil and Water Conservation Districts Law without adequate input from local stakeholders; and

WHEREAS, the proposed changes include a mechanism by which a District’s two county board representatives may be removed and replaced via open election; and

WHEREAS, the proposed changes include the revocation of the county Grange and County Farm Bureau’s authority to appoint representatives; and

WHEREAS, SWCD Board members from the county board, Grange, and Farm Bureau provide local knowledge and experience to SWCDs that enable them to deliver valuable conservation services to their communities; and

WHEREAS, changing the structure of SWCD Boards could have a significant negative impact on their ability to make decisions through informed partners on the very issues that SWCDs deal with every day; and

WHEREAS, the proposed changes would also impact local initiatives that counties receive funding for through other sources and change how planning would be done, as watersheds extend past county and municipal boundaries.
NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) opposes any amendments to Soil and Water Conservation District laws that would change the make-up, mission, and function of the State and County Soil and Water Conservation Districts without local input; and

BE IT FURTHER RESOLVED, that NYSAC urges the Legislature to seek input from County Legislatures and Boards of Supervisors, the New York Farm Bureau, the New York State Grange, the NYS Department of Agriculture and Markets, and SWCDs before proposing changes to SWCD law; 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, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.
Resolution in Support of the Federal Protecting School Milk Choices Act

WHEREAS, milk represents an essential way for kids to get the nutrients they need for healthy growth and development; and

WHEREAS, research finds that children who drink flavored milk consume more nutrients of concern like calcium, vitamin D, and potassium compared to non-flavored milk drinkers; and

WHEREAS, leading health groups like the American Academy of Pediatrics, the Academy of Nutrition and Dietetics, the School Nutrition Association, and the American Heart Association also acknowledge the important role that flavored milk plays in ensuring kids get the three cups of milk and milk products recommended by the Dietary Guidelines for Americans; and

WHEREAS, studies have shown that reducing or eliminating the availability of flavored milk in schools has led to overall decreased milk consumption and increased food waste; and

WHEREAS, research shows that flavored milk consumption is not associated with weight gain or even a higher total daily sugar intake in children as most flavored milks contain less sugar than the cap of 22 grams per eight-ounce serving recommended by the National Academies of Sciences, Engineering, and Medicine (NASEM); and

WHEREAS, New York’s counties are committed to supporting the dairy farmers, producers, and agriculture partners across New York, while also ensuring that all New York school children have access to life-enhancing nutrients; and

WHEREAS, milk is New York State’s largest agricultural commodity and is produced by more than 3,500 farms; and

WHEREAS, any actions that prevent flavored milk from being served in schools would not only deny children access to a healthy and nutritious option that increases participation in school breakfast and lunch programs but would also be detrimental to New York’s dairy industry.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC), in recognition of the legacy of former Assemblyman William MaGee, supports legislation to ensure schools participating in the National School Lunch Program offer students at least one flavored milk option; 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 members of the New York State Congressional Delegation, House Majority Leader McCarthy, and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Climate Action
Resolutions

Hon. Jen Metzger (Ulster County) – Chair
Bonnie Lange Lawrence (Erie County) – Vice Chair
Heather Brown (Sullivan County) – Vice Chair
Peter McCartt (Westchester County) – Vice Chair
2023 NYSAC Legislative Conference
Standing Committee on Climate Action
Resolution #1

Resolution in Support of Product Stewardship and Urging the Establishment of a Stewardship Program for Packaging and Printed Paper

WHEREAS, as noted in the Climate Action Council’s Final Scoping Plan, more than 18 million tons of municipal solid waste (MSW) is generated each year in New York State; and

WHEREAS, 70 percent of MSW is made up of discarded products and packaging; and

WHEREAS, in New York, more than 18 million tons of municipal solid waste is generated each year, or about five pounds per day for every person who lives in the state; and

WHEREAS, greenhouse gas (GHG) emissions from the waste sector represent about 12 percent of statewide emissions; and

WHEREAS, the most significant GHG emissions impact during the lifecycle of products and packaging result not from disposal but from the production of products and packaging that eventually become waste; and

WHEREAS, the Climate Action Council’s Climate Justice Working Group has expressed support for enacting broad Extended Producer Responsibility (EPR) or product stewardship requirements to cover the end-of-life management of post-consumer products and indicated that EPR should be a priority for addressing emissions from the waste sector; and

WHEREAS, the Final Scoping Plan recommends the State enact and implement new legislation in 2023 that creates a product stewardship framework or targets products with the greatest GHG impact, such as packaging and printed paper, carpet, tires, textiles, solar panels, wind turbines, batteries, appliances, and mattresses; and

WHEREAS, Governor Kathy Hochul introduced the Waste Reduction and Recycling Infrastructure Act as part of her Fiscal Year (FY) 2024 Executive Budget proposal to create an EPR program for packaging and paper products; and

WHEREAS, bills to create an EPR program for packaging and paper products have also been introduced by Senator Peter Harkham (S.4246) and by Senator Rachel May and Assemblymember Steve Englebright (S.9493/A.10185); and

WHEREAS, these EPR programs would significantly reduce waste and single-use plastic packaging and would require producers to take responsibility for the end-of-life management of their own packaging and invest in modernizing the operations at local recycling facilities; and
WHEREAS, S.9493/A.10185 and S.4246 would also prohibit certain toxic and
dangerous chemicals in packaging, including per- and polyfluoroalkyl substances
(PFAS), ortho-phthalates, bisphenols, halogenated flame retardants, such heavy metals
as lead, cadmium and mercury, and other chemicals posing a threat to human health
and safety and to the environment; and

WHEREAS, not only would such an EPR program provide relief to local governments,
but it would also reduce GHG emissions from the production and disposal of consumer
goods by incentivizing producers to reduce waste and design products that are more
sustainable.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of
Counties (NYSAC) supports EPR as a policy tool to make producers legally and
financially responsible for mitigating the environmental impacts of their products and
packaging; and

BE IT FURTHER RESOLVED, NYSAC urges the Governor and Legislature to enact
an EPR program for packaging and printed paper to reduce waste by at least 20 percent
within five years and 50 percent within 10 years and shift the burden of managing the
ever-evolving packaging waste stream away from taxpayers and local governments and
onto producers and manufacturers; and

BE IT FURTHER RESOLVED, that NYSAC supports an EPR program that prohibits
toxic and dangerous chemicals in packaging, including those chemicals listed in bills
S.9493/A.10185 and S.4246, to protect public health and safety and avoid costs
associated with their production, transport, use, and disposal, including public health
costs, costs of environmental remediation, and costs of responding to such accidents as
the recent derailment in East Palestine, Ohio of a train carrying vinyl chloride; and

BE IT FURTHER RESOLVED, that NYSAC urges county representation on the
advisory council created to implement and oversee the program; and

BE IT FURTHER RESOLVED, NYSAC urges the Governor and Legislature to also
create an EPR framework to enable the State to create stewardship requirements for
additional products with significant GHG impacts, such as solar panels; 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, NYSAC shall forward copies of this resolution to
Governor Kathy Hochul, the New York State Legislature, New York State Department of
Environmental Conservation (NYSDEC) Commissioner Basil Seggos, New York State
Energy Research and Development Authority (NYSERDA) President and CEO Doreen
Harris, and all others deemed necessary and proper.
Resolution Urging the Governor and Legislature to Evaluate and Address Barriers to Participation in New York State’s Weatherization and Energy Efficiency Programs

WHEREAS, according to the Climate Action Council’s Final Scoping Plan, the buildings sector is the largest source of greenhouse gas emissions in New York State; and

WHEREAS, buildings were responsible for 32 percent of emissions statewide in 2019, with a significant portion coming from the combustion of fossil fuels in residential (34 percent) and commercial buildings (19 percent); and

WHEREAS, New York’s residential and commercial buildings are older than the national average, which presents an opportunity for buildings to be upgraded in ways that improve both quality of life and energy performance; and

WHEREAS, New York State invests over $1 billion in public funds annually for State- and utility-administered grant and market development programs focused on energy-efficient buildings, including NYS Clean Heat, the NYS Weatherization Assistance Program (WAP), and the EmPower New York Program; and

WHEREAS, as noted in the Scoping Plan, financial incentive programs will need to scale up dramatically to motivate millions of homeowners and building owners to install high-efficiency electric heat pumps and make energy efficiency improvements, such as sealing air leaks, adding insulation, and using building controls; and

WHEREAS, before the State scales up these programs, it will be important for policymakers to assess their limitations in order to increase participation, advance climate justice, and maximize the impact of these investments; and

WHEREAS, one group that is often unable to participate in weatherization and energy efficiency programs is mobile homeowners because the owner of the housing unit does not also own the property on which it is located; and

WHEREAS, health and safety issues often prevent New Yorkers who would otherwise qualify for assistance from taking advantage of it, as many of the State’s programs will not fund repairs that must be done prior to energy efficiency retrofits or weatherization projects; and

WHEREAS, the inability to use program funds for basic repairs – including addressing moisture issues, repairing roofs, and upgrading electrical panels – can make retrofits impossible or ineffective and contribute to health issues, such as asthma; and
WHEREAS, the Green & Healthy Homes Initiative (GHHI) – a public-private partnership between federal, state, and local governments, as well as national and local philanthropy – provides a model for how to redefine home-based health and safety funding and programs so that they are more effective in terms of health outcomes and more efficient in terms of cost savings.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and Legislature to investigate and address barriers to participation in state programs designed to support weatherization and energy efficiency retrofits, including streamlining application processes, implementing a “no wrong door” policy, and investing in more clean energy advisors to guide New Yorkers through the application process; and

BE IT FURTHER RESOLVED, that NYSAC urges the Governor and Legislature to provide additional support for county energy coordinators in the FY 2024 State Budget to assist NYSERDA’s Regional Clean Energy Hubs; and

BE IT FURTHER RESOLVED, NYSAC supports the $200 million EmPower Plus program proposed in the Fiscal Year (FY) 2024 Executive Budget and urges the Governor and Legislature to create an additional $200 million fund for home repairs targeted at low- and middle-income (LMI) households to address barriers to energy efficiency improvements and electrification with the goal of creating healthy, safe, and energy efficient homes; and

BE IT FURTHER RESOLVED, that NYSAC encourages policymakers to use the GHHI as a model for improving state assistance programs so we can work towards achieving the Climate Act’s goals while also addressing the social determinants of health and racial equity through healthy housing; 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, New York State Energy Research and Development Authority (NYSERDA) President and CEO Doreen Harris, Homes and Community Renewal (HCR) Commissioner and CEO RuthAnne Visnauskas, and all others deemed necessary and proper.
Resolution Calling Upon the Public Service Commission (PSC) to Authorize Counties to Authorize and Form Community Choice Aggregation (CCA) Programs

WHEREAS, on April 21, 2016, the Public Service Commission (PSC) issued its Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, which authorized the establishment of Community Choice Aggregation (CCA) programs by cities, towns, and villages statewide and articulated the necessary design principles and standards that municipalities must apply in developing and implementing CCA programs for their constituents; and

WHEREAS, CCA programs allow local governments to make bulk power purchases on behalf of participating homes and businesses in their jurisdiction, making it easier for residents and employers to benefit from local clean energy projects; and

WHEREAS, most communities in New York State that have implemented a CCA program procure 100 percent renewable energy as their default supply, which has helped to scale up renewable energy systems and reduce greenhouse gas emissions; and

WHEREAS, when CCAs integrate opt-out community solar, participating homes and small businesses are enrolled in one or more community solar projects from which they receive credits on their electric bill, which typically guarantee savings of 5 percent to 10 percent; and

WHEREAS, opt-out community solar allows CCAs to enroll hundreds, or even thousands, of people at once, significantly reducing soft costs associated with solar and making the economics of renewable energy more attractive; and

WHEREAS, for the abovementioned reasons, CCAs are tools for transformative change in the way consumers connect to and purchase their energy; and

WHEREAS, the transformative potential of CCAs is limited by the Public Service Commission, which, in its 2016 Order, made counties ineligible to create their own CCAs programs; and

WHEREAS, as a result, county governments have been limited to encouraging municipalities to form an inter-municipal CCA and providing administrative support; and

WHEREAS, the Climate Action Council’s Final Scoping Plan includes a recommendation for PSC to enable county governments to authorize and form CCA
programs in recognition of the important role this could play in speeding up the State’s
transition to clean energy.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of
Counties (NYSAC) calls upon the Public Service Commission to authorize counties to
authorize and form community choice aggregation programs with a local opt-out in
addition to the cities, towns, and villages that are currently eligible to participate; and

BE IT FURTHER RESOLVED, that enabling counties to create CCAs will allow for
more purchasing power, more affordable rates, and greater renewable energy adoption; and

BE IT FURTHER RESOLVED, NYSAC further supports the Final Scoping Plan’s
recommendation to remove barriers to entry, particularly for lower-income households,
and include safeguards for energy-burdened households that may have been the target
of previous predatory practices related to their energy bills and services; 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, PSC Chair and Executive Chief
Officer Rory M. Christian, and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Children with Special Needs Resolutions

Heidi Bond (Otsego County), Chair
Sara 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 Enact an Emergency System to Address the Scarcity of Providers of Therapeutic Services for Early Intervention Care

WHEREAS, before and throughout the COVID-19 pandemic, New York State has observed a growing insufficiency of Early Intervention providers, including speech, occupational, physical, and applied behavioral therapists, to render related services to care for children with special needs both in the home and in early intervention settings; and

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

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

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

WHEREAS, because of the decline of participating and available providers, counties are not able to provide the Early Intervention services required under the law, even to already enrolled eligible children; and

WHEREAS, a survey conducted in January 2020 of fifty New York State counties found that approximately 1,140 children were on waiting lists for Early Intervention services; and

WHEREAS, a survey conducted in Spring 2022 of forty-eight counties found that approximately 5,769 children were on waiting lists for Early Intervention services across New York State, an over 400 percent increase since 2020; and

WHEREAS, the State Department of Health reported to the Federal Government that one in two children in NYS are not receiving services as required by 34 CFR § 303.310; and

WHEREAS research demonstrates that the growth and brain development of infants and toddlers is at its highest in years 0-2, and the developmental progress of children identified with special needs could be hampered by any delays in services; and
WHEREAS, many children in the EIP have been left with little or no services, and there are no systems currently in place to proactively address when counties have hit critically low provider capacity levels; and

WHEREAS, it is with great awareness that needs can fluctuate with each child and setting in the EIP; however, New York State should have a system to call upon in the event of a provider shortage for this critically important program.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon the Governor and New York State Legislature to conduct a needs analysis report for each county EIP to quantify and identify the maximum capacity of available providers within each county to deliver Early Intervention services in their identified catchment area; and

BE IT FURTHER RESOLVED, that each needs analysis includes an assessment of where IFSPs may be authorizing a more limited scope of services based on existing capacity, and the available methods of service delivery – in-person vs telehealth – within each county, to gain a full understanding of the current state of provider scarcity throughout New York State; and

BE IT FURTHER RESOLVED, these needs analysis reports are to be completed within six months of this resolution’s adoption; and

BE IT FURTHER RESOLVED, a plan needs to be created to establish a pool of retired professionals and licensure candidates to operate under the supervision of a licensed professional in the execution of an IFSP be created; and

BE IT FURTHER RESOLVED, this effort should use Executive Order 4 “Declaring a Statewide Disaster Emergency Due to Healthcare Staffing Shortage in the State of New York” as a guide to how an emergency pool of providers could be generated; and

BE IT FURTHER RESOLVED, this plan should be seen as temporary and usage should be evaluated every year until enduring Early Intervention provider capacity has been demonstrated; 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 Governor of the State of New York, the New York State Legislature, and all others deemed necessary.
Resolution #2

Resolution Urging the Governor and State Legislature to Move the Administrative Responsibility for Preschool Special Education Transportation Services to Local School Districts

WHEREAS, Section 200.16(e)(5) of the Regulations of the Commissioner of Education requires the municipality in which a Preschool Special Education Program (Pre-K SEP) student resides to provide suitable transportation, as determined by the board of education, to services developed in an Individual Education Plans (IEP), as needed; and

WHEREAS, municipalities contract with third-party transportation vendors to provide transportation services to children in the Pre-K SEP to and from necessary services; and

WHEREAS, these third-party transportation vendors have varying health and safety procedures; and

WHEREAS, school districts are experts on transporting children and should have the burden of transporting these children as well; and

WHEREAS, coordinating with bus companies is a significant administrative burden on municipalities, particularly on already overburdened local health departments; and

WHEREAS, Section 4401(4) of the New York State Education Law requires all school districts to provide transportation for all pupils, defined as children enrolled in any public or nonpublic elementary, middle, or secondary school, with disabilities residing in the district for whom such services are specified in their IEP; and

WHEREAS, local school districts own, operate, and maintain buses or have systems in place to contract with bus companies to transport pupils with disabilities to and from special classes; and

WHEREAS, local school districts have existing systems in place to ensure that bus drivers, monitors, and attendants are properly trained and qualified to transport pupils, including those in Pre-K and with disabilities, safely to and from school; and

WHEREAS, local school districts have experience and processes in place to coordinate frequently changing bus routes.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon the Governor and the New York State Legislature to shift the responsibility for the administration of Pre-K-SEP transportation services to local school districts, commensurate with their experience transporting other pupils with disabilities residing in their districts to and from special services; and
BE IT FURTHER RESOLVED, that an inter-agency task force involving both the New York State Department of Health and the New York State Education Department be convened to evaluate the current structure of the Pre-K SEP and consider best practices and cost-saving mechanisms for Pre-K SEP transportation services moving forward; 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 #3

Resolution Urging the Governor and State Legislature to Expedite the Release of Covered Lives Implementation Guidance and Funds to Counties

WHEREAS, on December 29, 2021, Governor Kathy Hochul signed bill A.5339/S.5560A into law, establishing an Early Intervention Program (EIP) Covered Lives pool funded by an assessment on insurance plans; and

WHEREAS, this legislation intended to assure a reliable revenue stream for New York’s EIP and went into effect on January 1, 2022; and

WHEREAS, the purpose of this legislation is to relieve the EIP’s heavy fiscal burden on counties and the State that resulted from high rates of commercial insurance denials for EI service claims, to improve the EIP for children and families, and to assist providers by relieving some of their administrative duties during service delivery; and

WHEREAS, prior to Covered Lives going into effect, Early Intervention (EI) service claims were paid through three revenue streams - either commercial insurance, Medicaid, or out of escrow, depending on the child receiving the service’s insurance coverage; and

WHEREAS, counties were responsible for paying 100 percent of the upfront costs of EIP services, not covered by Medicaid or commercial insurance, out of county escrow, with State reimbursement for 49 percent of escrow costs provided at a later date; and

WHEREAS, since Covered Lives went into effect, providers are no longer billing commercial insurance for services provided; and

WHEREAS, the EIP pool funding is intended to offset both the county and State share of EIP services, not covered by Medicaid; and

WHEREAS, Covered Lives funds have still not yet been distributed to counties; and

WHEREAS, counties have received limited guidance on how Covered Lives funds will be distributed; and

WHEREAS, the delay in distributing Covered Lives funds to counties has caused increases to their upfront escrow costs; and

WHEREAS, based on the average percent of total EI costs that municipalities/counties paid from 2014-2021, without any Covered Lives funding to offset the loss of commercial insurance reimbursement, counties will be paying an estimated 2 percent more in total EI costs in 2022, equaling almost $4 million dollars.
NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls upon the Governor and the New York State Legislature to take measures to expedite the release of Covered Lives funds to counties and continues to dramatically increase retroactivity to January 1, 2022; and

BE IT FURTHER RESOLVED, the State continue their commitment to this critical program, which benefits children with developmental delays and disabilities, being a shared cost between the State and counties; and

BE IT FURTHER RESOLVED, the New York State Department of Health, Bureau of Early Intervention and New York State Division of the Budget provide counties with guidance on how the State plans to issue payments, including information regarding if the adjudication and reconciliation of Covered Lives payments will occur at a county level or a child/claim level; and

BE IT FURTHER RESOLVED, the New York State Department of Health Bureau of Early Intervention consider amending county escrow agreements to change the payment process so the State provides counties with their Covered Lives share at the beginning of the State fiscal year; and

BE IT FURTHER RESOLVED, the New York State Department of Health, Bureau of Early Intervention provide information on how insurance, service claim, and cost data will be maintained at the child level to ensure funds are being applied fairly across counties; 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 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.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Economic Development & Environment Resolutions

Hon. William Farber (Hamilton County) – Chair
Hon. Rebecca Ryan (Wyoming County) – Vice Chair
William Rabbia (Oneida County) – Vice Chair
2023 NYSAC Legislative Conference
Standing Committee on Economic Development, Environment & Energy
Resolution #1

Resolution Calling for the Federal Communications Commission to Address
the Lack of Cellular Phone Coverage for Unserved and Underserved Areas

WHEREAS, Americans are increasing their dependency on cellular phones for voice communications; and

WHEREAS, many areas of the United States, particularly in rural areas, are either underserved or not served at all by cellular phone carriers; and

WHEREAS, cellular phones and the requisite cellular coverage are, in many cases, the first link of our emergency response chain; and

WHEREAS, according to the National Emergency Number Association, an estimated 240 million calls are made to 9-1-1 in the U.S. each year, and, in many areas, 80 percent or more of these calls are from wireless devices; and

WHEREAS, without adequate service, New Yorkers who live in the unserved or underserved areas, along with visitors and travelers, cannot reach emergency services when they become necessary; and

WHEREAS, the sizable percentage of individuals who rely solely on cellular phone service, combined with the unserved and underserved areas of rural areas, presents a substantial concern for public safety; and

WHEREAS, providing cellular service to rural areas would alleviate public safety concerns related to accessing emergency services through E-911 and strengthen economic development opportunities; and

WHEREAS, the Federal Communications Commission (FCC) designates the Universal Service Administrative Company (USAC) to administer the Universal Service Fund (USF), which is dedicated to increasing access to telecommunications and advanced telecommunications services; and

WHEREAS, USAC established the High Cost Program to provide funding to telecommunications carriers for the purpose of delivering service to rural areas where the market alone cannot support the cost to provide telecommunications services; and

WHEREAS, though the High Cost Program is the largest of the four USF programs, many areas in rural America remain unserved or underserved.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) urges the FCC to provide adequate funding to telecommunications...
carriers to ensure cellular build-out to the unserved and underserved areas of the United States; 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, NYSAC shall forward copies of this resolution to FCC Chairwoman Jessica Rosenworcel, the New York State Congressional Delegation, Governor Kathy Hochul, and all others deemed necessary and proper.
Resolution Opposing Waste Disposal Surcharges and Requesting an Exemption for Planning Units

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires, and relies upon Local Solid Waste Management Planning Units to provide comprehensive waste reduction, recycling, and disposal services to communities throughout the state; and

WHEREAS, Local Solid Waste Management Planning Units have collectively invested billions of dollars in their comprehensive solid waste management systems and are responsible to set rates to support such systems, including the implementation of their Local Solid Waste Management Plans that are approved by the NYSDEC; and

WHEREAS, Local Solid Waste Management Planning Units face constant pressures by the local communities they serve to operate as efficiently as possible, such that they have the lowest possible operating costs, including the waste disposal fees charged to waste haulers and residents; and

WHEREAS, the Climate Action Council’s Final Scoping Plan recommends (on page 338) that the State “enact legislation in 2023 to establish a disposal disincentive (fee per ton) on all waste generated in New York to provide financial support for reduction, reuse, and recycling;” and

WHEREAS, most Local Solid Waste Management Planning Units already implement fee structures that support their waste reduction, reuse, and recycling programs and disincentivize disposal because recycling programs are generally offered a no cost or at a fee significantly lower than disposal fees; and

WHEREAS, the implementation of statewide per ton fees essentially undermines and penalizes the efforts by Local Solid Waste Management Planning Units to provide cost-effective comprehensive systems; and

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) opposes the implementation of any state imposed type of waste disposal surcharge; and

BE IT FURTHER RESOLVED, NYSAC hereby requests that Local Solid Waste Management Planning Units receive an exemption from such surcharges should the State choose to implement them at other disposal facilities; 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, NYSDEC Commissioner Basil Seggos, and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Intergovernmental Affairs Resolutions

Robert Hagemann (Jefferson County) – Chair
Cheryl Ketchum (Wyoming County) – Vice Chair
Jack Wheeler (Steuben County) – Vice Chair
Resolution Calling on the Governor and Legislature to Support Community Colleges and Urging them to Develop an Equitable County Chargeback Formula

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 FY 2022; and

WHEREAS, without this funding floor, community colleges would face a $138 million (22 percent) loss in formula aid due to enrollment declines; and

WHEREAS, the Governor’s proposal is contingent to the following language: “... provided further that up to 20 percent of the amount of aid authorized pursuant to this appropriation shall be payable subject to a plan developed by the State University of New York and approved by the director of the budget with actions necessary for community colleges to undertake in order to operate without reliance on the base aid funding floor in future years;” and

WHEREAS, if the Governor’s proposed budget and proposal to hold back needed operating funds remains unchanged, our community colleges will lose millions of dollars in base State Aid, as well as even more funding if 20 percent of the aid was held for a period of time or indefinitely; and

WHEREAS, many community colleges are at a crossroads because they are facing a decade of declining enrollment due to overall state population loss and a dramatic decline in K-12 students, more competition from 4-year schools due to special tuition aid provided by the state, forcing them to ask county sponsors and students to pay more, with county chargebacks rising at an unsustainable pace.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) applauds the Governor for proposing to implement a funding floor for community colleges; and
BE IT FURTHER RESOLVED, NYSAC does not support the governor’s budget language that allows the state to defer passing through 20 percent of the base funding until SUNY and the Division of Budget develop plans that require community colleges to find ways to maintain operations without the 100 percent spending floor in future years as it could severely undermine current year operations; and

BE IT FURTHER RESOLVED, SUNY should continue to work closely with community colleges to develop innovative solutions to attract and support students during these challenging times, such as providing cybersecurity curriculum, cannabis management, and specific regional industry workforce development; and

BE IT FURTHER RESOLVED, NYSAC calls on the State University of New York (SUNY) 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, 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 Calling on the State to Provide Funding to Counties and County Boards of Elections for the Costs Associated with Legislative Proposals to Hire Additional Election Staff and to Provide More Flexibility with Early Voting Sites

WHEREAS, county boards of elections are responsible for managing election operations and paying for all or most of the costs of these operations.; and

WHEREAS, election reforms in recent years have helped to strengthen our democracy, by expanding access to voting through early voting, no excuse mail in ballots, and other reforms; and

WHEREAS, the New York State Senate this year has passed a package of new election reform measures that include establishing portable early voting polling locations, creating absentee ballot drop-off locations, regulating a statewide voter database, and establishing new hiring and training requirements for county boards of elections.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby calls on the State to provide financial support to counties and county boards of elections necessary to comply with any and all new statewide election management requirements; and

BE IT FURTHER RESOLVED, NYSAC also applauds the state for granting county boards of elections with more flexibility when siting and operating early voting polling sites to make the process more convenient and efficient without curbing access to voting; 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 Applauding Governor Hochul for Increasing 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 fee transactions online, while not sharing any of this with the county, has created an unnecessary and confusing campaign by which counties ask residents to consider going to the local DMV counter to ensure local spending stays local; and

WHEREAS, it is inequitable when a county DMV provides all DMV services for our residents, including overhead and staffing, yet the State takes 87.3 percent of the revenue generated from these services; 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, for these reasons, NYSAC has made increasing county DMV fees a long-standing public policy request to the Governor and State Legislature.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) applauds Governor Kathy Hochul for proposing to increase the retention rate for county clerk offices that perform DMV transactions, from the current 12.7 percent for in-office transactions and 3.25 percent for online transactions, to a flat 10.75 percent for all transactions; and
BE IT FURTHER RESOLVED, as more transactions are shifting online, the proposed rate change is projected to increase revenue that is retained by counties by $13 million annually; and

BE IT FURTHER RESOLVED, NYSAC encourages all of the members of the State Legislature to support this proposal throughout state budget negotiations so that it is contained in the final SFY 2024 State Budget; 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 the Governor, the New York State Legislature and all others deemed necessary and proper.
Resolution Calling on the State of New York to Amend Procurement Related
Laws in Order to Make for More Efficient Government

WHEREAS, state procurement laws control the manner by which local governments and public schools buy goods and services from commercial bidders; and

WHEREAS, these statutes exist, in part, to promote transparency and to ensure the proper use of taxpayer dollars; and

WHEREAS, request for proposals (RFP) and competitive public bidding requirements were created by the State legislature with the intent of providing transparency while increasing competition in order to lower government costs; and

WHEREAS, local governments and schools spend billions of dollars annually on purchases of goods and services; and

WHEREAS, the State in recent years has recognized that due to technology changes and increasing public service needs, more procurement flexibility is needed that will result in lower government purchasing costs and continuing to protect public interests; and

WHEREAS, some of the recent changes to procurement laws include the ability for local governments and schools to piggyback off existing government contracts, allowing cooperative purchasing, and use of a “best value standard”; and

WHEREAS, these changes have provided our local and state procurement officers with more tools on how to make a purchase, directly resulting in millions of dollars in savings for our taxpayers; and

WHEREAS, while these changes were helpful, goods and services continue to increase in cost and more must be done to drive down expenses on our local government, including the following list of options other states, and our state (just not local governments), are allowed to provide and have proven to be successful in creating government efficiency:

- Increase bid limits (solely based on inflation) commodities $25,000 and public works $45,000,
- Ability to mandate electronic response to all bids not governed by Article 8 of the labor law; currently can only mandate electronic response for technology bids,
- Ability to receive public works bids electronically,
- Ability to use reverse auctions as a competitive procurement process,
• Allow for primary and secondary awards on competitive bids; secondary awards could only be used when the primary awardee cannot deliver due to product availability or labor availability, and supply chain delays and volatility.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State of New York to make the changes listed above, allowing for more flexibility for our counties to make purchases of goods and services, and ensure our residents are getting the most efficient use of their taxpayer dollars; 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.
2023 NYSAC Legislative Conference
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #5

Calling on the State of New York to Fully Fund County Law 18B Assigned Counsel Statutory Pay Levels

WHEREAS, the United States Constitution established, and the Supreme Court decision Gideon v. Wainwright clarified, that competent counsel is to be given to all accused of a crime, regardless of their ability to pay; and

WHEREAS, New York State took legislative action to establish a criminal indigent defense legal system that passed the responsibility of providing these criminal defense services, and many of the costs associated with them, to counties and local property taxpayers; and

WHEREAS, in 2007, the New York State Civil Liberties Union sued the State of New York in Hurrell-Harring v. State of New York, which showed indigent criminal defense services were underfunded by the State and failed to meet constitutionally required standards; and

WHEREAS, prior to Hurrell-Harring, the 57 New York counties spent $164 million annually on public defense while the State provided the 57 counties with only $39 million in indigent defense support; and

WHEREAS, the New York State Legislature recognized that the State needs to provide additional funding and, in 2017, passed historic legislation allocating $250 million per year, when fully implemented, of state funding to directly improve indigent defense services; and

WHEREAS, while counties are still funding the same amount, the State’s 2017 funding increase has made New York State a leader in indigent defense services; and

WHEREAS, due to different county demographics and needs, counties have flexibility in how to provide criminal defense by using a combination of public defenders, conflict defense offices, and private contracted attorneys known as 18B counsel (named after the applicable section of County Law); and

WHEREAS, all counties rely on the services of 18B attorneys to perform these services to handle the overflow of work and handle conflicts that come into the public defender’s office; and

WHEREAS, unfortunately, the 2017 state legislation did not address the pay rate for 18B attorneys; and
WHEREAS, Article 18B establishes compensation paid to attorneys for assigned
counsel work at $60/hour for misdemeanor matters and $75/hour for felony defense;
and

WHEREAS, these rates have remained unchanged since 2004 and, in that same time
period, the United States has seen inflation rise by 57 percent; and

WHEREAS, counties across the State have had difficulty in recent years attracting and
keeping quality 18B attorneys in their region, with stagnant pay reported as the major
contributing factor; and

WHEREAS, without properly funding 18B attorneys, which will keep and attract
quality attorneys, the good work by the State to improve indigent defense services could
be in jeopardy; and

WHEREAS, the 2023-24 Executive Budget includes an 18b pay rate increase of $158
per hour in downstate NY and $118 per hour rest of State, but fails to include any
funding for this increase; and

WHEREAS, this increase without funding will cost county governments approximately
$150 million annually, an amount that without state support threatens the quality of
county government services and cuts into the gains HH made throughout the defense
system; and

WHEREAS, New York State Indigent Legal Services (NYS ILS) agrees that the rate
increase without state funding is detrimental to the public defense system and provided
Budget testimony that said, while we appreciate that the Executive budget includes a
proposal to increase the hourly rate paid to assigned counsel attorneys, the proposal
suffers from significant flaws that jeopardize the sustained progress of HH settlement
implementation and its extension statewide.”

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of
Counties (NYSAC) calls on the State to increase the 18B attorney rate to equitable levels;
and

BE IT FURTHER RESOLVED, the State needs to fully fund this increase in keeping
with the reasoning set forth in the Hurrell-Harring case, and to build on the State
Legislature’s historic 2017 legislation; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to
the Governor of the State of New York, the New York State Legislature, and all others
deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

IT Task Force Resolutions

Paul Lutwak (Madison County) – Chair
Resolution #1

Resolution Commending the State’s Support of Local Cybersecurity Efforts and Urging a Long-Term Commitment to Funding End Point Detection and Response Solutions

WHEREAS, the cybersecurity threats to our counties and local governments cannot be understated; and

WHEREAS, these are not theoretical threats; breaches are happening right here in New York; and

WHEREAS, in September of 2022, Suffolk County servers and information systems were compromised by cyber criminals demanding a ransom; and

WHEREAS, the county countered the attack by shutting down nearly all of its operations systems for more than three months, while still maintaining continuity of services, albeit with some limitations and many challenges; and

WHEREAS, rebuilding the county systems was time consuming and cost millions of dollars; and

WHEREAS, hackers are trying to access your systems right now by, among other things, sending emails to county employees, looking for vulnerabilities in websites and looking for ways into servers and databases; and

WHEREAS, bad actors are trying to disrupt local government services, destroy systems, exploit data, and hold systems hostage for payment; and

WHEREAS, almost everything that local governments do today rely on some type of information technology system including but not limited to email, public health programs and services, social service case management, elections, highway and road maintenance, public safety, snow removal, mental health care, financial management, court and judicial operations, and many other functions; and

WHEREAS, hardware, software and connection to the local government network is an integral part of just about every government operation and service; and

WHEREAS, last year, the State of New York allocated $62 million to create a joint security operation center (JSOC) and fund Endpoint Detection and Recovery solutions (EDR) for counties and the state’s five largest cities; and

WHEREAS, the SFY 2024 Executive Budget proposal invests another $42 million to support continued efforts to strengthen cyber defense efforts, expand the Cyber Analysis Unit at the State Police, and establish a specialized Industrial Control System
Assessment Team to enhance resiliency of critical infrastructure facilities across the State.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) commends the Governor, the Division of Homeland Security and Emergency Services (DHSES), the Office of Information Technology Services (ITS) and the Division of Budget (DOB) for providing funding in the SFY 2024 for expanding state and local cybersecurity efforts; and

BE IT FURTHER RESOLVED, NYSAC supports the state’s expanded investment in state and local cybersecurity efforts; and

BE IT FURTHER RESOLVED, NYSAC calls on the Governor and DOB to commit to providing support and services to an expanded number of counties and local governments to fund EDR and other solutions that can help better protect local information systems from cybersecurity threats; and

BE IT FURTHER RESOLVED, NYSAC calls on the Governor and DOB to commit to providing multi-year cybersecurity funding so that it does not become an unfunded mandate for counties; and

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

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York Legislature and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Medicaid and Human Services Resolutions

Kira Pospesel (Greene County) - Chair
Mike Fitzgerald (Madison County) - Vice Chair
Robert Franklin (Monroe County) - Vice Chair
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 and Assist Counties in Locating Additional Child Care Providers

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, the state budget is making a major infusion of child care dollars available to counties and counties do not have the child care providers available to meet the existing demand; and

WHEREAS, the 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, many counties have child care deserts that prevent expending the child care funds allocated to local district; and

WHEREAS, the SFY 2023 adopted budget also included provisions to settle longstanding state litigation related to inadequate foster care rates paid to foster parents, with no consultation with counties, a new extraordinary rate is being developed.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) urges the Governor and the Legislature to restore the state 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; and

BE IT FURTHER RESOLVED, NYSAC urges the state to fully fund with state resources 100 percent of increased costs related to the foster care rate settlement
reached with The Adoptive and Foster Family Coalition of New York, and the new
extraordinary rate that is currently in development that the state negotiated; and

BE IT FURTHER RESOLVED, that NYSAC urges the state to provide assistance to
developing an adequate pool of childcare providers to meet anticipated demand; 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.
NYSAC 2023 Legislative Conference
Standing Committee on Medicaid and Human Services
Resolution #2

Resolution Urging the Governor and New York State Legislature to Become a True Partner by Focusing on Rent Allowance and Standard of Need Which Must Include the Restoration of 50/50 Cost Sharing for Safety Net Programs, and Provide Actual Brick and Mortar Solutions 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 through increased rental rates, decreased housing supply and an increased reliance on temporary housing assistance in shelters and motels; and

WHEREAS, the provision of additional Code Blue funding is appreciated, many localities still struggle with a lack of shelter resources to meet the needs of the homeless; 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 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 preventing homelessness in the first place is the best way to keep families safe and secure; 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 updated in decades to fully address the dramatic growth in housing, energy and food costs; and

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

BE IT FURTHER RESOLVED, counties need brick and mortar solutions to existing housing problems; 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 allows them to work with community partners to develop service models that achieve permanency through innovative and flexible approaches that meet local needs; and

BE IT FURTHER RESOLVED, the State should work with counties in developing a public education campaign to ensure 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 Temporary Disability Assistance and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Native American Affairs & Gaming Resolutions

Ashley Milliman (Cattaraugus County) - Chair
Hon. John Becker (Madison County) - Vice Chair
Resolution Calling on the State of New York to 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 in regional gaming rights; and

WHEREAS, under the agreement, the State of New York shares with local governments, including 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, 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 to, and did, reopen with a limited capacity and began making revenue once again that should have been shared with the State and local governments; and

WHEREAS, on December 11, 2022 partial payments of this gaming revenue were made to two of the seven counties and the towns within; and

WHEREAS, to date, there have been no payments by the State to the remaining five region counties since the last quarter of 2019; 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, while New York State has helped to get two of the region’s counties needed gaming funding, not easing the financial burden on the remaining five counties is an inequitable solution that needs to be fixed; 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 withheld; and

WHEREAS, in Western New York, Governor Hochul and the Seneca Nation resolved a non-payment to the State issue last year, understanding the importance of the continued funding for these local services.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State of New York to immediately make all 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 all 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, 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, in recent years the State has altered the commercial gaming industry with actions such as legalizing mobile sports betting and reducing the gaming tax on selected commercial casinos; and

WHEREAS, soon more changes will occur that impact the State’s gaming revenue system including the license bids for up to three more downstate private casinos as well as the State negotiating a new compact with the Seneca Nation in Western NY; and

WHEREAS, the license rights to new downstate casinos will likely generate an expected $1.5 billion, none of which is shared with the local governments; and

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

WHEREAS, the recent and future changes directly impact the current local government revenue-sharing system within certain regions; and

WHEREAS, any gaming revenue disruption to this sharing system directly impacts a local government’s ability to provide crucial services.

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, private casino expansion, and the resulting compact negotiations with the Seneca Nation; 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.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Public Health and Mental Health Resolutions

Linda Beers (Essex County) – Chair
Hon. Michael Amo (Orange County) – Vice Chair
Laura Kelemen (Niagara County) – Vice Chair
2023 NYSAC Legislative Conference
Standing Committee on Public Health/Mental Health
Resolution #1

Resolution to Permanently Carve Out School-Based Health Center (SBHC) Services from the Medicaid Managed Care (MMC) Benefit Package and Into a Fee-For-Service Model

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

WHEREAS, SBHCs are a proven model for increasing access to health and mental health services and a vehicle for eliminating racial and ethnic health disparities in communities they serve, fostering health equity for low-income and minority youth; and

WHEREAS, SBHCs have been “carved-out” of the Medicaid Managed Care program since 1985, enabling them to receive reimbursement directly from the New York State Department of Health (NYSDOH) on a fee-for-service basis; and

WHEREAS, NYSDOH is planning to end the carve-out for SBHCs, which would require them to negotiate the terms and conditions of reimbursement with the MMC health plans and receive payment from the health plans; and

WHEREAS, it is estimated that the transition to MMC will result in a loss of over $16 million in funds to SBHCs, which could force a reduction in essential services and the closure of these vital centers in the neighborhoods that need them the most; and

WHEREAS, during the 2021 Legislative Session, the Senate and Assembly unanimously passed S.2127 (Rivera)/A.1587 (Gottfried) to permit SBHCs to choose to remain out of MMC; and

WHEREAS, Governor Hochul vetoed S.2127/A.1587, citing the need for such legislation to be enacted in the context of the state budget after further review from NYSDOH and the Medicaid program.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and Legislature to enact legislation as part of the Fiscal Year 2024 State Budget to create a permanent carve-out for SBHCs from the MMC program to enable SBHCs to receive reimbursement directly from NYSDOH; 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, NYSDOH Acting Commissioner James McDonald, and all others deemed necessary and proper.
Resolution Calling on Governor Kathy Hochul to Declare a State of
Emergency Regarding the Overdose Epidemic in New York State to Remove
Statutory Barriers to Local Data Sharing Necessary for Timely
Interventions

WHEREAS, the use of opioids, such as hydrocodone, oxycodone, fentanyl, carfentanil,
tramadol, methadone, and heroin can be fatal or cause severe side effects; and

WHEREAS, a 2022 report released by the New York State Comptroller showed that, in
2020, opioid overdose deaths increased 38 percent nationally and 44 percent in New
York and in several New York State counties continues to rise, with some reports
showing an increase of 68 percent in New York State alone between 2019 and 2021; and

WHEREAS, overdoses involving opioids in New York State increased to 85 percent in
2020 and 2021, with synthetic opioids accounting for 78 percent in 2021, compared to
11 percent in 2010; and

WHEREAS, New York State counties continue to experience an upward trend in drug
overdose deaths and non-fatal overdoses, particularly those resulting from opioids; and

WHEREAS, drugs, including but not limited to heroin, cocaine, opioids, and Xanax are
being laced with fentanyl; and

WHEREAS, while pharmaceutical fentanyl is 50-100 times more potent than
morphine, illicitly manufactured fentanyl can contain even higher concentrations,
increasing the danger of overdose, with two out of every five pills laced with fentanyl
containing a potentially lethal dose; and

WHEREAS, since 2019, the increase of counterfeit pills containing fentanyl seized by
the federal Drug Enforcement Agency (DEA) has increased by 430 percent; and

WHEREAS, access to data is critical to identifying and quickly adjusting response to
local trends in drug use and the presence of additives, such as fentanyl and xylazine,
which increases the risk of death and the potential impact response options; and

WHEREAS, the American Medical Association’s 2022 Overdose Epidemic Report
notes data gaps as a limiting factor to evidence-based public health interventions and
outcomes; and

WHEREAS, currently available data remains incomplete, or delayed, and is not
standardized for comparison, and often lags years behind current year trends; and
WHEREAS, statutory reporting requirements typically flow from state to local, with no statutory mechanism or bi-directional data processes to allow real-time data access and sharing at the local level; and

WHEREAS, NYSDOH must move towards an enhanced capacity to conduct surveillance to respond to this and other health conditions in real time; and

WHEREAS, improving standardization, quality, and timeliness of data collection and analyses will help advance local prevention, treatment and harm reduction efforts to improve outcomes and reduce overdose and death; and

WHEREAS, the federal Health Insurance Portability and Accountability Act (HIPAA) and Code of Federal Regulations (CFR) 42 permit covered entities to disclose protected health information, without authorization, to public health authorities who are legally authorized to receive such reports for the purpose of preventing or controlling disease, injury, or disability; and

WHEREAS, barriers exist in various sections of New York State Law that constrain local ability to access and share critical information regarding opioid use and overdoses, include electronic death records, toxicology reports, emergency response reports, and other vital events.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon Governor Kathy Hochul to declare a state of emergency regarding the overdose epidemic to address statutory barriers to local data access and sharing; and

BE IT FURTHER RESOLVED, we encourage the Governor to enact Executive Order(s) to allow for immediate local data sharing as permitted under HIPAA to increase transparency and access that can be used locally to save lives from the overdose epidemic; and

BE IT FURTHER RESOLVED, that the Governor and Legislature should work with NYSDOH to develop a system of data sharing to allow for advanced surveillance data by county departments of health; and

BE IT FURTHER RESOLVED, the Governor and Legislature should pursue statutory changes to permanently allow for local data access and sharing to facilitate real-time identification of local trends in drug use, including non-fatal and fatal overdoses to allow for timely interventions to reduce preventable injuries and deaths; 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, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, NYSDOH Acting Commissioner James McDonald, and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Public Employee Relations Resolutions

Mark Scimone (Madison County) – Chair
Langdon Chapman (Orange County) – Vice Chair
Paul Eldridge (Putnam County) – Vice Chair
Resolution Calling for Study and Reform of New York State Civil Service System to Support Local Government Employee Recruitment

WHEREAS, in New York, 16.4 percent of the workforce are employed by state, local, or federal level governments, providing needed services to our residents; and

WHEREAS, county governments employ more than 3.6 million public servants nationwide; and

WHEREAS, prior to the COVID pandemic, the public sector employment trend in New York was to do more with less, spurred on by state funding cuts in certain programs, resulting in a total workforce reduction of 4.5 percent from 2010 to 2020; and

WHEREAS, the Bureau of Labor Statistics showed this downturn in public employment levels has only worsened in the last two years, as the number of private-sector jobs surpassed its pre-pandemic level, while there are 664,000 fewer people employed in the public sector; and

WHEREAS, the counties of New York have all expressed concerns over recent trends regarding the difficulty to hire and retain quality employees as this downturn in public employment levels is putting more stress on our local governments’ abilities to provide needed services; and

WHEREAS, now counties are in a hiring crisis of a shrinking hiring pool and the increase in needed county skilled labor; and

WHEREAS, New York’s counties all are seeking to increase employment numbers and create a qualified and diverse workforce; and

WHEREAS, current restrictions caused by New York State Civil Service Laws create hurdles that are stalling local governments’ ability to expand their workforce; and

WHEREAS, while current New York State Civil Service Laws were put in place with good intentions, most were implemented prior to current societal and technological advancements and the time to study and improve this system is long overdue; and

WHEREAS, State Civil Service system changes are needed for county governments to compete with the private sector for potential employees, including the ability to more quickly respond to candidates seeking employment; and

WHEREAS, county governments need hiring flexibility and are best situated to know what job titles should have residency requirements and which should have flexibility to ensure efficient and quality county services; and
WHEREAS, the Governor’s proposed Executive Budget recognizes the need for Civil Service reform and proposes an idea the New York State Association of Counties (NYSAC) called for in 2022, continuous recruitment—allowing local governments the option to hold examinations continuously for candidates to apply at any time to take recruitment examinations; and

WHEREAS, NYSAC thanks the Governor for seeking this needed change, and we call for more to be done to help cure the recruitment challenges we jointly face; and

WHEREAS, additional specific changes to NYS Civil Service Laws include but are not limited to:

- Codifying the electronic canvassing process authority—allowing email and phone contacts in lieu of mailing letters;
- Simplify standard grading metrics, make them understandable and predictable in order to assist potential applicants to take multiple-choice exams, as well as complete experience-based exams;
- Licensed occupation local approval—allowing local governments to bypass exam or civil service requirements for positions that require already approved and obtained new york accredited licenses;
- Transitioning from provisional to permanent appointments at local option—allow if a state test is not offered within nine months after an individual is provisionally appointed to a position, an employee becomes permanent and/or if an exam is offered within nine months, a person in the provisional appointment is scored as pass/fail on that exam;
- Allow at local option residency requirements—amend public officers law § 3 and allow for full home rule authority to determine county employee residency requirements to increase the candidate pool; and
- Expand the number of eligible employees for appointments to a rule of 5—by expanding the rule of 3, would allow a higher number of candidates to be eligible to be canvassed when public employers are seeking employees.

NOW, THEREFORE, BE IT RESOLVED, the State must immediately reform NYS Civil Service Law; and

BE IT FURTHER RESOLVED, this reform must result in local governments’ having more flexibility in hiring practices and the ability to more quickly respond to potential employees; and

BE IT FURTHER RESOLVED, counties seek these changes to meet public service needs with a quality workforce that best reflects the residents they serve; and

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

BE IT FURTHER RESOLVED, that New York State Association of Counties shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Public Safety Resolutions

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 Calling on Governor Kathy Hochul to Restore the State-County Share of the Cost of 730.20 Competency Restoration Services and Make Reforms to the Program by Enacting S.7461-A (Brouk) / A.8402-A (Gunther)

WHEREAS, the SFY 2020-21 budget required counties to pay 100 percent of the Office of Mental Health (OMH) State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers; and

WHEREAS, historically, counties paid 50 percent of the per diem rate set by OMH, which has now reached an unsustainable cost burden on county budgets; and

WHEREAS, the derivation of Section 43.03 of Mental Hygiene Law (MHL), dates back to 1907 and allows the State to offset the costs of operating its Forensic Psychiatric Centers at county expense; and

WHEREAS, this statute no longer reflects the current mental hygiene system or the New York State Unified Court System and needs to be updated to be consistent with other statutes that makes the State responsible for its costs for the treatment of mentally ill individuals in State-operated Forensic Psychiatric Centers; and

WHEREAS, OMH has also taken the position that the county mental health commissioners are to receive limited information on the clients ordered to restoration; and

WHEREAS, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the mental hygiene law.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State to restore the historic 50/50 state/county share of mental health competency restoration services and enact permanent reforms by enacting S.7461-A (Brouk) / A.8402-A (Gunther); and

BE IT FURTHER RESOLVED, counties must be allowed to participate in the restoration and planning process for an individual’s restorative care during the duration of their stay at an OMH facility; and

BE IT FURTHER RESOLVED, there must be a statutory timeframe and determination as to when an individual is unable to be restored through forensic services (CPL § 730.50); and
BE IT FURTHER RESOLVED, that the Criminal Procedure Law (CPL) § 730.10 be modified to make clear that restoration is not mental health treatment so the judiciary is better informed that a 730 order does not treat underlying mental health needs; and

BE IT FURTHER RESOLVED, CPL § 730.20 must be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tells the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment; and

BE IT FURTHER RESOLVED, NYSAC calls on the state to ensure county directors of community services have timely access to any patient clinical information necessary to effectively manage the county directors of community services’ responsibilities under mental hygiene law; 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, NYSAC shall forward copies of this resolution to Governor Kathy Hochul and the New York State Legislature encouraging them to support these reforms.
Resolution in Support of Efforts to Improve Probation and Alternatives to Incarceration in New York State to Protect the Public and Reduce Reliance on Prisons, Jails, and Detention

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

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

WHEREAS, State funding for Probation was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2023, 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 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, 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 DCJA/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 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. Local probation departments receive 100 percent state reimbursement of all pre-trial services costs including but not limited to probation personnel associated with bail reform.

5. That the executive chamber and the Office of Children and Families services (OCFS) work towards transitioning some of the closed OCFS or department of correctional and community supervision facilities to accommodate the lack of specialized secure detention beds as well as allowing county consortiums to open specialized secure detention facilities if desired.

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, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, Deputy Secretary For Public Safety Marcos Gonzalez Soler, the New York State Legislature and all others deemed necessary and proper.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Taxation and Finance
Resolutions

Ruth A. Doyle (St. Lawrence) - Chair
Hon. Terri L. Ross (Allegany County) - Vice Chair
Hon. Patrick Schmitt (Wayne County) - Vice Chair
Resolution Calling on State Legislative Leaders to Permanently Extend all Existing Local Sales Tax Rates as Proposed by the Governor in the SFY 2024 Budget, and Allow 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 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, the pass through of local sales tax revenue from counties to cities, towns, and villages was $2.45 billion in 2022; and

WHEREAS, many counties have found their local home rule revenue requests and renewals held hostage by the 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 in 2009, while county requests for the same authority have been repeatedly denied; and

WHEREAS, the Governor’s proposed state fiscal year 2024 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; while reducing administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties supports the Governor’s state fiscal year 2024 budget proposal that would 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, we urge legislative leaders to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level, while retaining appropriate state legislative review; and

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

BE IT FURTHER RESOLVED, the New York State Association of Counties shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.
Resolution In Support of the Governor’s Budget Proposal to Reform the State’s Pension Contribution Stabilization Programs

WHEREAS, in the aftermath of the Great Recession and accompanying large investment losses in the state’s Common Retirement Fund; and

WHEREAS, these events triggered large annual increases in local governments’ required pension contributions over multiple years; and

WHEREAS, the increases tripled contribution rates paid and doubled cash contributions for county employers; and

WHEREAS, the dramatic impact resulted in major reforms to the state pension system and led to the creation of two additional retirement tiers, V and VI; and

WHEREAS, it also resulted in the creation of two separate pension contribution stabilization programs designed to smooth out volatility in annual contributions; and

WHEREAS, the stabilization programs as established at the time were well intentioned and did smooth volatility in annual contributions they were also found, over time, to be rigid in application, inflexible in its treatment of reserve accounts required to be created by many participants and provided no ability to withdrawal from the programs; and

WHEREAS, more than 200 municipal entities (including 11 counties) and the State of New York participate in these pension contribution stabilization programs; and

WHEREAS, some counties that entered into the program fully paid back all outstanding loans, with interest, many years ago; and

WHEREAS, several counties have expressed a desire to exit the program and also to seek modifications that provide more flexibility in the use of reserve funds required under the law; and

WHEREAS, the Governor’s proposed SFY 2024 budget includes reforms that would allow municipalities to exit the program and also provide more flexibility over reserve funds; and

WHEREAS, the New York State Comptroller, the sole fiduciary of the state and local retirement fund, supports these reforms.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties endorses the Governor’s reforms to the pension contribution stabilization program.
programs, and we strongly encourage the State Legislature to support these reforms as well; 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 In Support of the Governor’s Budget Proposal to Modify the Investment Tax Credit for Farmers by Making it Refundable

WHEREAS, New York has over 33,000 farms encompassing roughly seven million acres of farmland comprising approximately 20 percent of the state’s total land area; and

WHEREAS, these farms produce nearly $3.2 billion annually in direct economic output and nearly $6 billion in commodity sales; and

WHEREAS, the state provides several programs to help farms maintain and improve their operations and agricultural production, including the investment tax credit; and

WHEREAS, the investment tax credit is refundable only for new businesses, as such and eligible farmer with little or no taxable income generally cannot receive the full benefit; and

WHEREAS, on average, a farm sees approximately $15,000 in investment tax credits go unutilized each year; and

WHEREAS, the Governor’s budget proposes to remedy this situation by providing eligible farmers with an investment tax credit that is fully refundable for the next five years though 2027; and

WHEREAS, the modifications proposed will allow eligible farmers to receive a much-needed benefit that would enable them to continue to update, modernize, and invest in their farming operations.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of counties strongly endorses the Governor’s proposed budget reforms to the investment tax credit for farmers and we encourage the State Legislature to support this proposal; 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 In Opposition to the Governor’s Budget Proposal to Replace the Current In Rem Tax Delinquency Foreclosure Process as Presented

WHEREAS, the Governor’s budget proposes to replace the current In Rem tax delinquency foreclosure process that has been in place for over 30 years; and

WHEREAS, the proposal essentially disregards 30+ years of case law related to the existing system; and

WHEREAS, the proposal, as drafted, generates dozens of procedural, legal and possible constitutional issues that are not addressed in the legislation; with many that revolve around how to settle proceeds among varying interests in certain circumstances, such as

- Divorce cases
- Deceased
- Bad title, or multiple owners
- Validating liens – determining if it was paid or not, is it a legitimate lien
- Liens are filed on a person, not a property, common names are problematic
- The process may eliminate due process between the original owner and the mortgagee
- May eliminate mortgage refinancing incentives, where a mortgagee does not work with an owner to lower mortgage costs
- What if liens are discovered after settlement
- What happens if bankruptcy is declared after a settlement
- Does the proposal run afoul of Article VIII, Section 1 of the Constitution; and

WHEREAS, the proposal also requires counties and other municipalities that administer tax delinquency foreclosures, to effectively become agents of private for-profit banks and other lienholders to settle their accounts as well; and

WHEREAS, the proposal is too broadly structured as it applies to all parcels and could become subject to abuse; and

WHEREAS, as structured the proposal guarantees that a county will incur significant new costs because it is does not allow a county to balance surplus sales against sales made at a loss during the calendar year, and the county will never be able to recover the cost of holding multiple taxing jurisdictions harmless for delinquent taxes. These unreimbursed delinquencies and sales that result in a loss will need to be assessed against county property taxpayers in following years; and

WHEREAS, care needs to be taken when changing longstanding legislation, especially without debate, since unintended consequences may occur; and
WHEREAS, the legislation fails to address deficiencies as the counties are the state mandated guarantor of unpaid property taxes from towns, villages, school districts and various other special districts.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) opposes the In Rem tax delinquency foreclosure changes proposed in the Governor’s budget; and

BE IT FURTHER RESOLVED, county officials responsible for implementing these state law changes want to partner with the state to develop a workable solution to the problem the Governor raises in this proposal and NYSAC encourages the Governor and State Legislature to pull this legislation from the budget so it can be amended to, at a minimum,

- Narrow the scope by applying it only to owner occupied parcels,
- Remove provisions requiring the settlement of other outstanding liens as it forces a public servant to act as an agent of what is usually a for-profit entity that has its own existing staff to settle liens,
- Clarify what are included as administrative costs,
- Require the state to become the guarantor of unpaid taxes for all taxing jurisdictions that experience tax delinquencies under the proposed process,
- Establish an effective date that is no earlier than January 2025 so necessary amendments can be incorporated and state regulations can be put in place and stakeholders can be educated on the changes; and

BE IT FURTHER RESOLVED, counties believe the state should established and fund with state resources a grant program similar to the federal Homeowners Assistance Fund to help homeowners that fall behind in paying their property taxes so they can avoid tax foreclosure; 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.
2023 NYSAC Legislative Conference
Albany County

Standing Committee on Transportation and Public Works Resolutions

Deborah Donohue (Washington County) – Chair
Phil Reed (Jefferson County) – Vice Chair
Resolution #1

Resolution Urging the Governor and State Legislators to Enact Increases for Local Highway, Bridge and Culvert Programs to Respond to a 22 Percent Increase in Construction Costs and Ongoing Funding Gaps

WHEREAS, Governor Kathy Hochul proposed, and the Legislature approved, a record $1.228 billion investment in local road and bridge programs in the 2023 State Budget 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, BRIDGE-NY funded at $200 million per year, PAVE-NY at $150 million, and Extreme Winter Recovery and State Touring Routes Programs at $100 million each; and

WHEREAS, Governor Hochul also initiated 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 to resurface and renew the state’s worst roadway pavements; and

WHEREAS, however, these tremendous gains in resources for counties, towns, cities, and villages are threatened by inflation and the rapidly rising costs of construction inputs; and

WHEREAS, the real value of local highway and bridge funding has been reduced by a 16.5 percent increase in construction costs in 2022 and is projected to be further eroded by inflationary increases of 5.1 percent in 2023, according to the US Bureau of Labor Statistics; and

WHEREAS, the total 22 percent inflation-induced impact translates to a stunning $270 million reduction in state aid to municipalities throughout the state for critical highway maintenance and pavement rehabilitation, and bridge and culvert projects; 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 46 percent of the vehicle miles travelled in New York are on local roads so the state’s contribution to funding is a vital part of assuring the condition and resiliency of our statewide transportation systems; and

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

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned a study released in November, 2013 and periodically updated since then, finds that current expenditures on local roads is not keeping pace with pavement and bridge needs, and that over $2 billion in additional revenue is required annually to address the accelerating deterioration of the pavement and bridge infrastructure that will adversely impact the motoring public, system safety and the economic vitality of New York state; 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, the New York State Association of Counties (NYSAC) commends the Governor and the legislature for their ongoing commitment to enhancing state investments in local roads, bridges, and culverts; and

BE IT FURTHER RESOLVED, recognizing the impacts of cost inflation for such highway construction inputs as steel, fuel and asphalt, state value of state funding to local transportation funding programs is rapidly declining, meaning fewer critical road, bridge and culvert projects are able to be undertaken; and

BE IT FURTHER RESOLVED, the reported funding gap between what level of funding is needed and what is made available from all sources is $2 billion and getting wider every year; and

BE IT FURTHER RESOLVED, NYSAC looks forward to working with Governor Hochul and the Legislature on significantly increasing state aid to local road and bridge projects as deliberations on the state budget and adjustments to the Transportation Capital Plan continues; 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 Recognizing the Challenges Local Highway Departments Face to Comply with the State’s Climate Goals and to Establish a Local Highway Department Advisory Group

WHEREAS, in 2019, the Climate Leadership and Community Protection Act (CLCPA) was signed into law and requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels; and

WHEREAS, the CLCPA also calls for 70 percent of New York State’s electricity to come from renewables by 2030 and 100 percent zero emissions electricity by 2040; and

WHEREAS, the CLCPA directs the development of performance-based standards for sources of greenhouse gas emissions, including but not limited to: transportation, building, industrial, commercial, and agricultural sectors; land-use and transportation planning measures aimed at reducing greenhouse gas emissions from motor vehicles; measures to promote the beneficial electrification of personal and freight transport; and other strategies to reduce greenhouse gas emissions from the transportation sector; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned a study released in November 2013 and periodically updated which found that current expenditures on local roads is not keeping pace with pavement and bridge conditions, and an additional $2.074 billion in annual spending is needed to address local pavement and bridge conditions of this local system, not including New York City; and

WHEREAS, the cost of transitioning the state and local highway departments’ construction equipment, vehicles, and snowplows to run on electricity is at this juncture incalculable, but expected to exceed the ability to be financed without substantial sources of new revenues that will need to be directed strictly for the retrofit or procurement of such electric equipment and vehicles; and

WHEREAS, as commercial production of medium and heavy-duty large-scale, electric construction vehicles is today an essentially non-existent industry, the ability of local highway departments to plan for this transition, with its concomitant mandates that fuel and electricity charging sources be carbon-free, is of tremendous concern considering that transportation at all levels of New York government is currently significantly underfunded every year; and

WHEREAS, the State is promoting “Green Procurement” initiatives through such programs as Green NY and Green Purchasing Community and an Executive Order was issued to develop products that meet a State’s Sustainability Product Specifications standards; and
WHEREAS, this goal must be implemented in a way that is affordable while assuring
adequate supplies of these specialized products and materials are available to meet the
State’s Sustainability Product Specifications; and

WHEREAS, recognizing these potential impacts on the ability of local governments to
deliver necessary transportation services and facilities to the traveling public and
businesses at an affordable cost, it is vital that state elected representatives and state
agencies assist county highway departments in assuring the development of the state’s
strategies for achieving these aggressive greenhouse gas emissions reduction goals and
procurement standards consider these market and fiscal barriers to transition; and

WHEREAS, the Climate Action Council has approved a Scoping Plan which is to be the
roadmap for state agencies to develop and promulgate regulation to implement the
transition to a carbon-free economy and the aggressive transition to electrification of the
transportation system; and

WHEREAS, all levels of government need to work together throughout the regulatory
process to assure strategies and mandates put in place to meet the CLCPA goals for the
transportation sector are realistic and achievable and will benefit the environment.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of
Counties calls on the Governor, the Department of Transportation (NYSDOT) and the
Department of Environmental Conservation (NYSDEC) Commissioners and Legislative
Leaders to commit to providing support for addressing these concerns in the regulatory
process and to dedicate the funding necessary to fully cover the counties’ costs of
complying with the state mandates under the CLCPA; and

BE IT FURTHER RESOLVED, recognizing the expertise of local highway
professionals, an advisory group be established jointly by NYSDOT and NYSDEC made
up of representatives of the municipal highway superintendents’ and commissioners of
public works’ organizations to review and recommend proposals and policies for
meeting the goals of the CLCPA before they are implemented or published in the State
Register; 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 and all others deemed
necessary and proper.