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This is the 94th year of operation for the New York State Association of Counties, and we are proud to continue our mission: to represent, educate, advocate for, and serve our member counties and elected and appointed public servants at the county level.

NYSAC has adapted as the roles and responsibilities of counties have expanded over these past nine decades. In addition to serving as the administrative arm of the State—providing state programs locally—counties are often the first line of government for New Yorkers.

For example,

- **Counties take care of our vulnerable population**—we fund and administer nearly all federal and human service mandated programs including foster care, domestic violence prevention, emergency services such as housing, food stamps, daycare and heating assistance; veteran's programs; and indigent burial assistance for individuals with families that are unable to provide for a decent interment.

- **Counties develop our economy, protect our environment and promote quality of life**—we maintain hundreds of parks, beaches, forest preserves, museums and related cultural facilities. We promote tourism, facilitate economic growth, and promote environmental and energy efficient projects.

- **Counties ensure New York remains healthy**—we conduct health and safety inspections of swimming pools, summer camps, beaches, and other recreational venues; we monitor and control insect-borne diseases such as Lyme and West Nile Virus; we run programs to prevent or reduce major causes of death and chronic disease; we test for lead in homes of children identified as having lead poisoning; we monitor and test the safety of the community water supply.

- **Counties keep New Yorkers safe**—we prosecute all felony crimes in county courts; provide first responders to the heroin and opioid epidemic; supervise adult and juvenile offenders; run STOP DWI programs; coordinate disaster preparedness; patrol our waterways and shorelines; and process police pistol permits and criminal background checks.

- **Counties build the infrastructure for our future**—we own and maintain 85 percent of the roads and 50 percent of the bridges in New York State, we oversee commercial and general aviation airports and manage green infrastructure projects that reduce rainwater and storm water runoff on roads.

- **Counties coordinate and fund services for special needs children under five years old**—we provide services for developmentally delayed and physically disabled children birth through 5 years of age.

These are just a few examples of what counties across New York State do, and we work to provide these services in the most cost-effective manner. Each year, we call for state mandate relief and flexibility so that we can do all these things while also delivering real and permanent property tax relief.

New York counties are catalysts of innovation, redevelopment, and revitalization. As county leaders, we want to work alongside state lawmakers to leverage our natural, cultural and economic assets to ensure that our communities remain desired places to live, work, and raise a family.
No sweat

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Employee Benefits Division of the New York State Department of Civil Service
YOU HAVE THE POWER TO SAVE LIVES.

Thanks to the partnership with the New York State Association of Counties, it’s now easier than ever to join the New York State Donate Life Registry. Today we ask that you help us take another important step closer to achieving our goal of ensuring a transplant for every man, woman and child in need by accomplishing one simple task: Please include a link to the Donate Life Registry www.donatelifeny.gov on your website so New Yorkers can easily educate themselves on the importance of donation and to learn how they can register as an organ and tissue donor. Together, we are saving and healing lives.
ast month, NYSAC had an article published in the Buffalo News discussing how China’s decision to stop buying recycling material from the US will impact counties right here in New York. This is one more example of the sometimes-complicated role that counties play in the interconnected network of public policies at all levels of government, from local to state to federal to global.

In the recycling example, the decision made by China to stop accepting our shipments of recycled goods requires county waste management organizations to rethink how we invest in our recycling facilities and develop educational programs for our residents.

Similarly, county jails and some community social service agencies across the state are increasingly holding and caring for illegal immigrants that are being held as a result of actions being taken by administrative policies at the federal level.

Last summer, a delegation of 150 New York county leaders attended a day-long white house briefing on a range of federal policies that impact our regional governments, including agriculture and dairy, the opioid crisis, immigration reform and the impact on New York State, drinking water safety, infrastructure, and changes in tax policy. We are grateful for this direct dialogue with the White House.

At the state level, counties are currently implementing two recently enacted state criminal justice laws that are impacting several county departments.

Raising the Age of Criminal Responsibility, for example, is being implemented over the course of a multiyear period and is requiring counties to hire new probation officers, create new social service programs, and build new specialized secure youth detention facilities, among other new local programs and services.

Counties are also rolling out new public defense reforms that require us to increase staffing for local courts and in some counties hiring new public defense attorneys to address caseload caps required by state lawmakers.

These two new programs are on top of the 9 state mandates that counties deliver and fund that consume over 90 percent of the aggregate county property taxes collected across the state.

For every federal and state agency, counties have a corresponding department at the regional level. It is because of this that we often find ourselves in the middle of multi-level public policy implementation. And that is why we often say that for state and federal government services, counties are where the rubber meets the road. This is also why the NYSAC Legislative Platform, on page 13 is so wide-ranging and broad in its scope.

Counties are involved in a plethora of public policy areas. Counties administer pre-school special education and we sponsor community colleges. We monitor drinking water systems, run sewer districts, and protect residents and pets from Harmful Algal Blooms. We sponsor Off Track Betting Corporations (OTBs) and run anti-gambling services. We invest in new business development, and we build out our roads, bridges and sewer systems to meet demand and promote the local economies. We run elections and we monitor the ethical conduct of local leaders.

At NYSAC, we have an experienced and agile team of staff members who have worked in county government, the state legislature, the state budget division, and congress. They are well versed in many facets of government, and now they are working for you, the hard working and dedicated county officials who are working for New Yorkers in communities across the state.

We wish you all the best for 2019, and we stand ready to help you on a wide range of issues, on matters germane to any level of government, from our offices in Albany to your offices in your county.

Stephen J. Acquario, Esq.
NYSAC Executive Director
NYSAC's mission is to represent, educate, advocate for, and serve member counties at the federal and state levels.

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Send submissions to ncorreia@nysac.org. Submissions should be 750 to 1,000 words and include a high resolution photo of the author. All submissions are subject to editing for clarity, content and/or length.

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**Winter 2019**

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**Cover Photo**  
*NYS Capitol*  
*Photo Credit*  
*Kate Pierce*
The New York State Association of Counties is the only nonprofit bipartisan statewide municipal association representing the interests of thousands of county leaders, including legislators, supervisors, county executives, administrators, commissioners and other county officials who deliver essential services to New Yorkers.

What can we do for you?

NYSAC offers counties a variety of services and programs in the interest of better, more cost effective and efficient government. We maintain close ties with officials in Albany and Washington to ensure New York’s counties are well-represented as state and federal policies and spending plans are determined.

We inform our membership and the public at large on issues of importance to counties. This includes education, training and providing research on critical public policy.

Legislative Advocacy

NYSAC amplifies the voices of county officials in Albany, Washington D.C. and throughout the state. Our legislative advocacy focuses on policy, legislation and regulatory issues, and also extends to broader government policy development and implementation through participation on statewide advisory boards and committees.

You can find NYSAC’s county priorities for the coming year by visiting nysac.org/legislativeplatform

Education and Training

NYSAC strives to provide training and education to county leaders on issues vital to public policy and county services. From regional conferences to policy briefs, research, and survey reports—you can partake in valuable training and find all the information you need to lead.

See what regional, statewide, and online training opportunities are coming up in 2019 by visiting nysac.org/nysac-events

Another educational program that NYSAC offers is the County Government Institute. Through courses and training within the pillars of leadership, integrity, and accountability, CGI prepares rising and experienced county leaders for the challenges counties face, and equips them to engage in informed, constructive, and civil dialogue.

For more information on how to apply for the CGI certification program, visit nysac.org/cgi

Legal Services

The office of NYSAC Counsel takes phone calls from county officers and outside counsel regarding legal issues affecting our membership. These issues include, but are not limited to, procurement, ethics, indigent defense, courts, and Native American Affairs.

View the policy areas that NYSAC covers by visiting nysac.org/policy

Communications

Daily news clips, magazines, and alerts are all a part of how NYSAC strives to keep members informed of current issues facing counties and up-to-date on the latest local government innovations. The daily Counties in the News email provides pertinent local news stories from all regions of the state.

NYSAC News magazine is published three times a year with each issue focusing on timely issues of interest to county leaders throughout New York State.

Tune into our news services by visiting nysac.org/news

You can connect with NYSAC on social media as well to see timely and relevant content pertaining to county government. You can follow us on all major social networks to keep up to date on your news feed.

Find all our social media handles at nysac.org/social

Partnership Programs

NYSAC’s Partnership Programs are designed to reduce the cost of county operations, provide added services to residents, offer solutions to the biggest challenges counties face, and underwrite the research, services and support provided by your association.

Check out nysac.org/costsaving to view some of the programs that can benefit taxpayers and help your county to save money.

History

Our staff has more than 100 years of collective legislative experience, which we have leveraged for substantial victories in the past ten years, including: capping county Medicaid costs, reducing Medicaid fraud, reforming the early intervention program and indigent defense services, increasing home rule authority, and curbing the number of unfunded mandates on New York’s counties and local property taxpayers.

Check out nysac.org/history to see the progress we’ve made since our founding in 1925.

Counties make a difference to the people of New York State in ways large and small, every day. NYSAC is your resource for advocacy, education, representation, and service to meet your needs as you meet the needs of your communities.
# 2019 Legislative Program

## Key County Priorities

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<td>Fully take over county Medicaid costs and provide mandate relief.</td>
<td>Maintain 100% reimbursement for implementation costs and delink from the property tax cap.</td>
<td>Use a portion of the $225 million appropriation for plan development &amp; implementation</td>
<td>Ensure a fair and level playing field for all main street businesses and retailers.</td>
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### Agriculture & Rural Affairs
- Support a statewide dairy supplemental price system, promote consumption of milk in schools, and fund local agricultural assistance.
- Increase state support for Cornell Cooperative Extensions.

### Cannabis Legalization
- Provide counties with resources for public education and and technical assistance to manage the societal impact to public health, public safety, criminal justice, consumer protection, and economic development, among others.

### Children with Special Needs
- Improve the Early Intervention Program by addressing the lack of providers in many areas.
- Require providers to maximize third party reimbursement prior to seeking payment from counties and the state.
- Expand Universal Prekindergarten (UPK) to include children with special needs.

### Community Colleges
- Increase state FTE support to community colleges.
- Provide full reimbursement for community college chargebacks for 4 and 6 year degrees at the Fashion Institute of Technology (FIT).

### Economic Development
- Support investments in shovel ready/market ready sites.
- Authorize Industrial Development Agencies (IDAs) to provide loans and grants.
- Prioritize and expand broadband and cellular coverage to unserved and underserved communities.

### Elections
- Consolidate federal and state primary elections or provide state funding for duplicative primaries.
- Fully fund counties for early voting if implemented.

### Environment
- Support educational initiatives related to recycling.
- Provide state assistance for localities affected by increases in recycling costs.
- Invest in testing and treating for emerging contaminants: PFOA/PFAS, 1,4-dioxane, and HABs.
- Create an industry supported paint stewardship program.
- Support a statewide solution to mitigate the environmental impact of single-use plastic bags.
- Expand the NYS Returnable Container Act (“Bottle Bill”) to include more glass containers, such as liquor, wine, and iced tea bottles.
- Continue to relieve taxpayers from costs of e-waste disposal.

### Gaming
- Resolve the gaming compact dispute with the Seneca Nation and hold counties harmless through state payments in the interim.
- If sports gaming is permitted in NYS, equitably share some of this revenue to all New York counties.

### Human Services
- Make permanent housing the central focus of preventing homelessness, while developing a more effective emergency shelter model.
- Provide temporary training locations closer to home for county child welfare workers.

### Judiciary
- Fund state-mandated salary increases for district attorneys.
- Lower judgement interest rates.
Local Finance & Tax Relief

- Increase county retention of revenues derived from county DMV operations.
- Reimburse counties 100% of all costs of a cashless bail system.
- Provide permanent and meaningful mandate relief.
- Ensure local home rule bills—like sales tax—are acted on quickly, provide longer extension periods, and eventually make them permanent.
- Eliminate the sales tax exemption for energy service companies.
- Ensure a level playing field between existing taxi and livery companies and TNCs like Uber and Lyft
- Eliminate the use of “dark store theory” as a way to lower property tax assessments.

Public Employee Relations

- Repeal the NYS Scaffold Law, or reform it to include a pure standard of comparative negligence.
- Grant county home rule authority to allow for the establishment of countywide EMS related districts.

Public Health & Mental Health

- Provide for a 50-50 state and local share for counties investigating unattended deaths.
- Support Article 6 programs by raising the base grant and increasing state reimbursement to local health departments.
- Establish permanent jail-based substance use disorder treatments and transition services programs in all county correctional facilities.

Public Infrastructure & Transportation

- Authorize use of successful wildlife management at airports.
- Reauthorize a new round of funding for the Competition to Revitalize Upstate Airports.
- Increase CHIPS funding and continue to fully fund PAVE NY and a new round of BRIDGE NY.
- Increase the CHIPS bidding threshold to give municipalities flexibility to bid out or perform in-house projects.
- Authorize use of design-build contracts for localities.

Medicaid

- Ensure no new costs are shifted to counties as the state continues to realign Medicaid administrative functions.
- Provide more incentives and assistance to counties to supply personal care aides and related workers to eligible recipients.

Property Tax Reduction

- Enact “No New Unfunded Mandates” legislation and cap current state mandated costs at a rate that does not exceed the state-imposed property tax cap.

Public Safety

- Reimburse counties detaining state parole violators at local correctional facilities for over 10 days.
- Enhance counties’ share of statewide 9-1-1 surcharge to support public safety answering points.
- Release the interoperable emergency communication funds in a more timely manner.
- Increase the State income tax credits for volunteer firefighters and EMS workers.
- Allocate funding for a school resource officer in every school district throughout NYS.

Shared Services

- Make it easier for local governments to create health insurance consortiums.
- Continue state matching funds for savings generated through the countywide shared services initiative.
- Adjust property tax cap provisions that work against local shared services and functional consolidations.
- Ease court consolidation procedures.
- Use a portion of $225 million appropriation for plan development and implementation.

Veteran Services

- Restore support for State Veteran Benefit Advisors.
- Expand Veteran Treatment/Diversion Courts.
Counties in New York differ greatly from other local governments across the state and nation due to the large number of state programs counties must administer and fund with local resources. Under New York State law, counties are required to implement and finance more than 40 state-defined and -controlled programs.

New York State partially reimburses counties for administering and paying for these mandated services, but the shortfall is made up by county property taxpayers. Up to 80 percent of a county’s total budget can be dedicated to paying for state and federal mandates. In most other states, counties are not required to pay for such a large array of state and federal programs. This is one of the reasons that New York’s property taxes are higher than most other states.

Defining a “Mandate”

A mandate occurs when the state or federal government directs a county to:

- Implement a program or provide a service created and defined by the state/federal government (e.g. Medicaid, welfare, child support collections, etc.);
- Meet an environmental or labor standard;
- Construct/upgrade a facility (e.g. courthouse, jail, etc.) subject to prevailing wage and Wick’s Law requirements; or
- Provide a tax break or exemption. (In a typical county, anywhere from 15% to 30% of the value of all property is exempt from property taxes.)

A mandate usually requires a county to strictly adhere to rules set by the federal/state government that defines the scope, eligibility, frequency of service, or amount of benefit. Counties have virtually no ability to control the costs of these services. Usually, a mandate comes with partial reimbursement from the state or no reimbursement at all, leaving the cost of supporting the state mandate on local taxpayers. Even if the mandate is fully funded, the state is still directing what and how the county workforce will be utilized, lessening local control of resources.

The Origin of State Mandates - County Consolidated Law

Consolidated County Law provides the framework for the operation of county government. Adopted in 1892, Consolidated County Law is the root of the modern county’s role in almost all jurisdictions. It codifies elected officials and some general functions, including:

- Treasurer (chief fiscal officer)
- Clerk (custodian of official record)
- Sheriff (maintain law and order)
- District Attorney (prosecute crime)
- Judges
- Coroners
- Superintendents of the Poor
- Nursing Homes
- Highway Superintendents (maintain roads & bridges)

County Law also grants counties the authority to create towns, balance power between cities and towns, and act as the guarantor of town and school district tax levies.

County responsibilities have changed dramatically over time as the state redefined its own role (and, by extension, the county role) in delivering and paying for government services.

State Reforms to Reduce Duplication and Waste

Prior to the 1920s, state government provided few direct services, and offered even less guidance to local governments on what services to provide or how. As the population grew and the demand for public services exploded, counties had to figure out what services the public needed beyond those they were already required to provide. Property taxes, the only significant revenue source for local governments, increased to meet the demand for these new services. When demands from certain interest groups were beyond the capacity of local governments to fund, they were directed to state government representatives for funding.
All of this led to a patchwork of government service delivery, with varying levels of quality and value. During Franklin D. Roosevelt’s term as governor of New York (1929–1932), one of his priorities was to ensure state aid to localities (when provided) was not wasted and that local governments provided quality and consistent services.

**Shift Towards Strong Central Control**

In 1935, the NYS Legislature created a temporary commission on State Aid to Municipal Subdivisions, with the primary objective to look at how state aid could reduce pressure on local property taxes. The commission maintained that local governments were prone to spend excessively because their financial commitment to state-supported programs was not substantial enough.

Their solution was to provide for strong central control by the state and begin substantial cost shifts from state to local taxpayers. Over time, state control usurped any local flexibility to control costs, and the county’s fiscal share increased. Counties were now required to raise local taxes to support ambitious state programs.

This outcome was antithetical to the commission’s objective to reduce pressure on local property taxes. The state’s desire to more fully control service delivery led to the gradual but relentless expansion of fiscal and administrative mandates and the imposition of substantial new costs on counties and property taxpayers.

**Introduction of Specialization**

In the post-World War II era, there was a movement away from general purpose government and towards specialization. This “specialization” required counties to administer and partially fund welfare, social services, and health programs, while specifically precluding towns, villages, and cities (except New York City) from providing the same services. In other cases, counties, towns, villages, and cities were all allowed to provide certain services under State Law, including public safety, waste disposal, parks, and transportation. Ultimately, the state granted authority to create special-purpose local districts designed to perform a single function (e.g. schools districts, water, sewer, fire protection, lighting, etc.). Today, school districts levy over 60 percent of all the property taxes collected in New York State.

**State Mandates Mask State Government Spending**

State government has for decades used local taxes to mask the cost of its programs, such as Medicaid, social services, and early learning programs. Using the state mandate process, the state can enact a program or service that lawmakers and the Governor deem worthy and fund it with local tax revenue. That way it does not impact the state budget or the state’s five-year financial plan. No other state does this to the extent New York has and it contributes to one of the highest local tax burdens nationally.

---

**Significant Mandates Through the Decades**

**Pre-1950**

- New laws in 1911 regulate hours of work, workers compensation, etc.
- Wick’s Law, 1924, mandates counties act as general contractors when undertaking construction projects and renovations.
- In 1929, the state requires county welfare districts to administer income transfer payments (home relief), among other social insurance programs.

**1950’s**

- This decade brought the first community colleges, and the 1970s brought incentives for a huge expansion. Today, the net operating costs of the system are about $2 billion annually with a state share of just of $470 million, or 24%, far short of the original 40% incentive.

**1960’s**

- Persons in Need of Supervision (PINS) established in 1962.
- Medicaid is established with counties required to fund half of the non-federal share. The first-year costs of $20M for counties in 1996 has grown to $7.5B today.
- Indigent criminal defense is made the primary responsibility of counties. By 2016, the county costs were $389M (80%) and state costs were $99M (20%).

**1970’s**

- Taylor Law established, defines the rights and limitations of unions for public employees, followed by Triborough amendment, which defines how local government must negotiate with their employees.
- Environmental control mandates shift costs to county health departments requiring counties to pay 40% of capital.
- Revenue sharing established with 21% of state personal income taxes set aside for local governments.
1980’s

- Early Intervention (EI) program is established with counties responsible for funding a large share of the costs. EI serves children 0-2 with developmental delays.

- Medicaid is expanded. The state does take more fiscal responsibility for long-term care costs, but overall local costs continue to grow significantly.

- While counties held probation responsibilities long before the 1980’s, the state share of funding support is 53.5%. Today the state share funding support is around 10% even though state mandates within probation have increased to the point where nearly half the time of probation officers is spent satisfying state mandates.

1990’s

- State law requires a 75% state share for preschool special education services, but it is never funded at that level. The permanent law (even today) calls for a state share of 69.5%, and each year the State Legislature and Governor “notwithstands” this requirement and provides only 59.5% state share. In 2017, this cost counties an extra $171M – had the state met the original 75% match, county costs would be $265M lower per year today.

- State revenue sharing with counties ends – counties lose $80 million that year. The loss of revenue sharing is part of a broader “deal” that envisioned the state meeting its 75% matching obligations under preschool special education. The state never followed through on their end of the deal.

2000’s

- The state enacts the largest Medicaid expansion in the history of the program in 2001. Many counties experienced annual double digit increases in property taxes to support rising Medicaid costs. In addition, 36 counties and NYC increase local sales taxes to keep their heads above water as enrollment and costs grow. The state implements a 3% Medicaid growth cap in 2006 in recognition that the state-imposed Medicaid expansion was wreaking havoc with county budgets.

- The state enacts substantial pension sweeteners for all ERS and PFRS employees. Poor retirement fund returns (driven by two recessions), combined with the pension enhancements, led to a nearly 1700% increase in county retirement costs by 2014, with annual costs increasing from $69 million to $1.2 billion. By 2012, skyrocketing costs require the state to prospectively repeal most of these pension enhancements for newly hired workers; however, today, about 75% of the state and local workforce is subject to the enhanced benefits enacted a decade earlier. County pensions costs peak at 25% of the aggregate county property tax levy by 2014.

The Great Recession

The Great Recession (2008-2012) decimated local revenues and the state budget. The state reduced reimbursements to counties by nearly $400 million annually without reducing any of the costs of state-mandated programs. These reductions included the elimination of the state share for local social services administration and a reduction in the state share of funding to support child welfare, Early Intervention, Safety Net, Article 6 public health, and community college full-time equivalent (FTE) aid. There were also across-the-board 2-percent cuts to a wide variety of programs counties pay for on behalf of the state and receive partial reimbursement for later. Most of these cuts are still in place today.

Between 2001 and 2017, state reimbursement to counties dropped from 15.7 percent of total county revenues to 10.2 percent.

Impact of Mandates on County Budgets

Over most of the last decade (through 2018) the cost of just 9 major state mandates has equaled about 93 percent of the aggregate county property tax levy annually.

These mandates include:
- Medicaid
- Safety Net/TANF
- Child Welfare
- Preschool Special Education
- Early Intervention
- Indigent Criminal Defense
- Probation
- Youth Detention
- Pensions

Recommendations for Reducing County Property Taxes

Counties and local governments in New York work in the trenches every day to provide direct services to residents, and they continue to streamline their operations as much as they can under state law and to the degree that their residents are willing to compromise local quality of life services. Attacking the root cause of high property taxes in New York requires the state to be an active partner in changing state laws and financing mechanisms that once and for all reverse the overreliance on locally raised revenues to support statewide programs.
Mandate relief can and has lowered the property tax burden. In 2005, the State Legislature and Governor enacted a cap on the growth of local Medicaid costs at 3.5%, 3.25% in 2006 and 3% in 2007 and thereafter. Then, in 2015, state leaders capped the growth on these local Medicaid costs at 0%. County property tax growth trends in that period first stabilized and then began to lower, as indicated by the chart above, demonstrating that state mandate relief works to reduce the state’s growing property tax burden. If the state takes more fiscal responsibility for its own programs like most states do, the property tax burden could actually be lowered.

Increase Transparency of State Program Expenditures

Counties support a review of our total combined spending to begin addressing our global budget and taxation in New York State. There should be an evaluation of the services we spend tax dollars on, why, and the most affordable and sustainable way to finance all combined services at each level of government. The first tenet of effective and efficient governing should always be the following: Decisions are always better when the full cost and consequence of the decision is borne by the entity making it.
Resources for Women in County Government

By Nicole Correia, NYSAC Communication Manager

While the numbers are growing, women remain underrepresented in elected office: women only make up about 23 percent of elected government roles at the state and local level. Resources to support women serving in local government or considering a run for local office are necessary if those numbers are to grow.

The resources below represent non-partisan and/or bi-partisan organizations and programs for women in government that may be helpful to women who are new to government as well as those who have served for many years.

**Organizations**

**Statewide**

**NYSAC Women’s Leadership Council** – The NYSAC Women’s Leadership Council (WLC) was officially launched in 2017, following several conference workshops on this topic. The primary goals of the WLC are:

- To provide resources for women holding county office,
- To support female county officials, and
- To engage women in seeking leadership positions in their communities and within NYSAC.

The NYSAC Women’s Leadership Council is the only statewide organization that offers resources specifically for women in county government and women interested in pursuing county leadership. These resources include:

- Bipartisan panels, forums, workshops, and networking events at NYSAC conferences;
- Opportunities to speak with women serving in county governments throughout New York State;
- Articles in the NYSAC News magazine;
- Online Resource Center, including NYSAC research and reports;
- Webinars and other training opportunities.

**New York State Legislative Women’s Caucus** – This is a bi-cameral, bi-partisan organization of women New York State Legislators. The LWS works to improve the representation and participation of women in all areas of government and provides a network of support while promoting issues that benefit women and families in New York State.

**National**

**Women of NACo (WoN) - National Association of Counties**

The mission of Women of NACo is to enhance the effectiveness of female county officials and engage women officials in seeking leadership positions in their communities and within NACo. WoN serves as a communications network and issues forum for women county officials.

WON seeks to be an organization that offers female county officials the best possible opportunity to further their participation in NACo and to assist women in their efforts to be effective leaders in all arenas of the political process.

**She Should Run**

She Should Run is a non-partisan 501(c)3 with the mission to expand the talent pool of women running for office in the United States. Women are underrepresented at all levels in the 500,000+ elected offices across the U.S. That is why She Should Run is committed to getting at least 250,000 women to run by 2030.

*In their words: What they do*

“Our programs provide an approachable starting place and network for women leaders considering a future run by providing community, resources, and growth opportunities. We believe that women of all political leanings, ethnicities, and backgrounds should have an equal opportunity to lead in elected office and that our democracy will benefit from the varied perspectives and experiences that women bring to leadership.

“We know that when women run for office they win at the same rates as men. Yet women are not encouraged and recruited at the same rate as men. Our Ask a Woman to Run tool provides a way for individuals to tell us about great women leaders they know who should consider a run for office."
Once women are ready to take their first step towards public office, our first-of-its-kind She Should Run Incubator offers resources and a community that meets them where they are in their paths to elected leadership. Over 21,000 women have been inspired to run for office through She Should Run since the 2016 election."

**Represent Women** www.representwomen.org

Representation 20/20 advocates for institutional reforms to level the playing field for women candidates, enabling them to run, win, serve, and lead effectively. Their goal is to gender parity: balanced representation for women and men across the political and geographic spectrum.

*In their words: What they do*

"RepresentWomen's mission is to strengthen our democracy by advancing reforms that break down barriers to ensure more women can run, win, serve, and lead.

More women in elected and appointed positions at every level of government will strengthen our democracy by making it more representative, reviving bi-partisanship and collaboration, improving the deliberative process, encouraging a new style of leadership, and building greater trust in our elected bodies.

RepresentWomen accomplishes its mission in these four ways:

- Conducts research to track representation and assess best practices
- Educates PACs, donors, party leaders & elected officials about reforms to advance women’s representation & leadership
- Advocates at the local, state and federal levels to adopt institutional reforms
- Forges strategic collaborative partnerships to build a lasting & successful movement for gender parity"

**VoteRunLead** www.voterunlead.org

VoteRunLead trains women to run for office and win. With more than 33,000 women trained to run for office, VoteRunLead is the largest and most diverse campaign and leadership program in the country. They work to equip women with the right know-how, trainings and how-to's to help them enter politics with a purpose. VoteRunLead believes that by empowering women to run as they are, they will build a campaign based on their own passion, their own ideas and their own values.

**Academic Programs**

**Center for Women in Government at the Rockefeller College of Public Affairs & Policy** - UAlbany's Center for Women in Government and Civil Society is the only such group in New York State and one of the only programs with this focus nationally.

“The Vision of the Center for Women in Government & Civil Society (CWGCS) is a world where women and men of all backgrounds participate equally in shaping the future.

CWGCS seeks to deepen and broaden political access and economic opportunities for women by strengthening the capacity of government, nonprofit and business sectors.

**Cornell University - Women in Leadership Certificate** - This five-course certificate program examines the issues facing women in leadership positions and offers strategies for handling them. Professor Deborah Streeter balances academic research regarding social norms and expectations with practical strategies for operating effectively within the workplace. She discusses how to outmaneuver the “double bind” dilemma, showing strong leadership qualities without being penalized for it. Professor Streeter discusses how women can best negotiate in the workplace, ways to effectively provide both positive and negative feedback and how they can strengthen their emotional intelligence to stand out as a leader among both men and women.
There is wide variation in how states across the country run elections, and there is a large disparity of voter turnout as well. New York State has long struggled with some of the lowest voter turnout rates in the country. One of the recent proposals to increase voter participation in New York State includes permitting early voting.

**Background**

As part of the 2018 Executive Budget, Governor Cuomo proposed to institute early voting in New York State to make it easier for every New Yorker to vote. The proposal required every county to offer residents access to at least one early voting poll site during the 12 days leading up to Election Day. Counties must have one early voting poll site for every 50,000 residents. The bipartisan Board of Elections would determine the specific location of early voting polling places, subject to the standards of accessibility and convenience.

The Governor’s 30-day amendments included $7 million for counties to implement these reform measures.

The final budget rejected the Governor’s early voting proposal as well as proposals related to automatic registration, same-day registration and campaign finance reform.

It is yet to be seen what kind of proposal the Governor and the State Legislature will advance during 2019.

**What is Early Voting?**

Early voting is a term used to describe any system where voters can cast their ballots prior to Election Day. Most states have some method for an eligible voter to cast their ballot prior to Election Day—either during the early voting period or through an absentee ballot.

In 13 states, including New York, early voting is not available, and absentee ballots are permitted only in very specific situations. Thirty-six states (including the District of Columbia) provide for an in-person early voting system or a mail-in voting system. Every state allowing early voting (except for Hawaii) had better voter turnout than New York in 2018, but with New York’s very low ranking of 48th overall (out of 51, includes D.C.) this might be expected.

**Forms of Early Voting**

1. **EARLY IN-PERSON VOTING**

Early In-Person voting provides voters with the option of casting a vote early at a satellite location or at the county elections office. This voting method still requires that voters appear in person to cast their ballot. Thirty-four states and Washington D.C. allow for this provision. The date on which early voting begins may be as early as 45 days before the election, or as late as the Friday before the election. The average starting time for early voting is 22 days before the election.

Early voting typically ends just a few days before Election Day. Early voting periods range in length from four days to 45 days; the average length is 19 days.

2. **NO-EXCUSE ABSENTEE VOTING**

No-Excuse Absentee voting provides voters with an opportunity to vote absentee without providing a reason for doing so. Twenty-seven states and Washington D.C. allow for this provision. Some states - Arizona, California, D.C., Hawaii, Minnesota, Montana, New Jersey, and Utah - permit voters to join a permanent absentee voting list. Once a voter opts in, s/he will receive an absentee ballot automatically for all future elections.
3. VOTE-BY-MAIL

In states that allow vote-by-mail, voters will receive a ballot in the mail a few weeks prior to an election. Voters can then return the ballot by mail or drop the ballot at designated locations. Oregon has used this system of voting since 1998. Three weeks prior to an election, voters receive a voter's pamphlet which provides candidate information. The ballot is then mailed 18 days prior to the election. The ballot may be returned any time after it is received up until election night. Three states utilize this method- Washington, Oregon and Colorado.

NYSAC Recommendations

- Consolidate the State and Federal primaries onto one day to stop unnecessary duplicative primary elections.
- Provide for a no-excuse absentee early voting proposal allowing voters to mail in absentee ballots prior to the election without an excuse.
- If early in-person voting is adopted, provide full reimbursement to counties for administering and providing for any new early voting reform.

To read more about early voting reform in New York State, please be sure to visit the NYSAC website and read our latest white paper at www.nysac/intergovernment.
New York State lawmakers are expected to legalize recreational marijuana during the 2019 Legislative Session. New York would join ten other states that have already legalized the drug for recreational use. Legalization is anticipated to have implications for public health, public safety, criminal justice, the economy, and even the environment. Here’s what to watch for in 2019:

Adult Recreational Use

Overview

Adult recreational use legislation will address the possession, cultivation, and sale of cannabis. The legislation under consideration would allow anyone over the age of 21 to possess and use marijuana, as well as grow up to six plants in their private residence. Municipalities (cities, towns, and villages) will be allowed to decide whether to allow retail sales and cultivation within their municipal boundaries.

Public Health & Safety

Marijuana legalization will come with public health and safety concerns for counties. A chief public health concern is use or accidental ingestion among children and teens. The main public safety concerns are crime and driving under the influence. Because marijuana is illegal under federal law, it is a cash-heavy industry. This makes “cannabusinesses” a target for internal and external threat. There are also concerns about an increase in impaired driving with greater access to marijuana. Marijuana impairment is difficult to test for because the drug lingers in a user’s system after its effects wear off. Cities like San Diego, California have begun to use mouth-swab devices during traffic stops to confirm the presence of marijuana and other drugs.

Criminal & Social Justice

Criminal justice is a key focus of marijuana legalization for advocates because the criminalization of marijuana has disproportionately affected communities of color and low-income areas. Adult use legislation will address past harms by creating a process for the reclassification of past marijuana-related convictions, the resentencing of currently incarcerated individuals serving marijuana-related sentences, and the removal of barriers to entry into the industry for people of color.

Economic Development

State lawmakers are considering various models for how to tax recreational marijuana and what to do with the revenue. Legislation will have to address the cultivation, processing, and retail sides of the industry. A portion of the revenue will likely be redistributed statewide to deal with public health and safety ramifications. There will also be local revenue needs related to hosting production, processing, and retail operations.

The casino model is a worthy option for distributing revenue collected statewide. The host municipality and the host county would each receive a percentage of the revenue. The counties within the respective region where the operation is hosted would also receive a percentage. This model recognizes that counties without retail establishments (and the accompanying sales tax) will incur new costs related to legalization.

Hemp

Industrial hemp is another emerging cannabis industry to watch. Distinct from marijuana, hemp contains a very low concentration of tetrahydrocannabinol (THC), which induces the psychoactive effects associated with marijuana. Instead, hemp plants contain large amounts of a cannabis compound called cannabidiol (CBD) that has known medical benefits. Hemp is used in the manufacture of a wide variety of products, including clothing, food, building materials, and pharmaceuticals. New York State and local governments, particularly in the Southern Tier, have taken steps to encourage industrial hemp production in recent years. This industry is expected to pay dividends in the near future.
The New York State Commission on Parental Legal Representation, established and lead by Chief Judge Janet DiFiore, held public hearings throughout the state this fall. The Commission’s mission is to study parental legal representation in Family Court and provide suggestions on strengthening this important function. NYSAC Executive Director Stephen Acquario provided testimony on behalf of New York’s counties, as county governments play an integral role throughout the entire Family Court process. Any changes to this system could have a significant impact to counties for many reasons, perhaps the most significant being that counties currently pay for parental legal representation in New York.

What is Parental Legal Representation?

Family Courts are faced with difficult and complex situations that can require the Court to remove a child from a home when it is in the best interest of the family and individual family members. As one can imagine, Family Court cases that result in the removal of a child from their home have high stakes. In these cases, all family members involved should have their rights and best interests legally protected. Individuals from within the same household often need separate counsel to guide them through this process and protect their individual rights.

Both New York law and case law have established that it is the state’s constitutional obligation to provide counsel to children and to parents in this process; however, New York State has passed on the costs associated with parental representation to counties.

Over the decades that counties have been charged with this service we have seen a substantial increase in Family Court related matters throughout the state. The Commission is looking at the problem of higher caseloads combined with flat resources and considering whether the state needs to step up and help facilitate, change, and improve the system.

Constraints on County Governments

In order to pay for any required service, counties receive revenue through two sources: property tax and sales tax. However, for most
counties, especially upstate, revenue levels to fund services has been stagnate. Since 2012, counties have been required to adhere to a state-imposed property tax cap. While sales tax revenue has been better in the past year, it still has not recovered in many areas since the Great Recession.

Due to these constraints Counties cannot afford to take on any new or increased function, no matter how important, without the State meeting the accompanying fiscal costs. Counties do not have the revenue streams nor the reserves to add any additional service costs. Doing so would result in cuts and poorer services in all other county functions, with disparate impacts from county to county.

Applying the Hurrel-Harring Model to Family Court

The blueprint to improve parental legal representation has already been laid out in the Hurrel-Harring criminal court representation model. In April 2017, Governor Andrew Cuomo and the NYS legislature, through a bill sponsored by Assemblywoman Patricia Fahy and Senator John DeFrancesco, fulfilled the promise to improve the criminal justice system and reimburse 100% of the costs to counties and New York City for certain statewide improvements in criminal defense provided to persons who are financially unable to obtain counsel (“indigent criminal defense” or “criminal defense”).

Executive Law § 832 (4) now gives the New York State Office of Indigent Legal Services (“ILS”) the authority and duty to develop plans to: (a) ensure that each criminal defendant has counsel at all crucial stages and; (b) establish numerical caseload/workload standards for each provider of indigent criminal defense representation; and (c) improve the quality of representation in indigent criminal defense statewide.

The key to this new law is that the State will cover the costs to implement the reform plans produced by ILS, thereby relieving the counties of the burden to pay for counsel representation improved services.

The next frontier is the financing of mandated parental representation in Family Court. The State has a Constitutional obligation to ensure quality counsel for those in need, including parents and children in Family Court, not just in criminal court.

The question before this Commission is do we need to improve our Family Court par entail counsel system. If the answer to this is yes, the State needs to step up, fund and strengthen its constitutionally-mandated parental representation system.

The need for Family Court representation is no less serious than the need for those faced by the accused in a criminal matter; therefore, the State needs to follow the same logic used in Hurrell-Harring and the original Fahy/DeFrancisco bill. The improvements we have already seen in the criminal court system can and should occur in Family Court.
The Office of the Coroner or Medical Examiner provides a critical function in county government. NYS County Law, Article 17-A outlines the role of these offices. In general, a coroner or medical examiner has jurisdiction and authority to investigate every death within their county or body found within the county, which is or appears to be:

- A violent death, whether by criminal violence, suicide or casualty;
- A death caused by unlawful act or criminal neglect;
- A death occurring in a suspicious, unusual or unexplained manner;
- A death caused by suspected criminal abortion;
- A death while unattended by a physician, where no physician is able to certify the cause of death;
- A death of a person confined in a public institution other than a hospital, infirmary or nursing home (i.e. in a jail).

Challenges Facing the Offices of County Coroners and Medical Examiners

An analysis of county adopted operating budgets for 2018 shows that there are over 1,100 people working in medical examiner or coroner offices across NYS. There are over 114 elected coroners and deputy coroners in NYS—the vast majority of which serve in a part-time capacity. In 2018, counties across New York budgeted over $122M for coroner and medical examiner services.

Recently, challenges have emerged that are impacting the ability for these offices to perform their duties. In addition to the opioid epidemic grappling our state, shortages of service providers, and a shortage of pathologists—including forensic pathologists, has created a crisis in our communities.

1. LACK OF AVAILABLE SERVICE PROVIDERS

An emerging issue facing counties in New York is the lack of autopsy and toxicology services. Historically, many hospitals (both private and non-for-profit) had provided morgue services and toxicology services for medical examiners and coroners.

Recently, a trend has emerged in which hospitals are closing their morgues to coroners and medical examiners, or hospitals are increasing their costs for storage, autopsy and toxicology services. In addition to using private and not-for-profit hospitals, there are several counties in New York that operate their own program and offer these services to neighboring counties.

Counties continue to search for opportunities to provide these services in the most cost-effective manner.
Network with NYSAC

Follow NYSAC on social media to get the latest news, reactions to issue developments, event updates, news from counties, photos, and more.

Facebook: Info on your newsfeed @NYSCounties

Have an article that we should read? Send it to us!

Instagram: Photos and other graphics @NYSCounties

Posting photos from a NYSAC event? Tag us!

SoundCloud: Podcasts and audio @NYSCounties

Interested in more information? Request a podcast!

Twitter: Short, concise updates @NYSCounties

YouTube: Videos and webinars @NYSACTV

Have an article that we should read? Send it to us!

Proud to be a supporter of NYSAC

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For more information call (518) 514-2798
New York State Legislative Session Calendar
January — June 2019

The New York State legislative session calendar establishes a schedule for the 2019 legislative session and provides dates important to the legislative process. The session calendar is intended to afford Members flexibility in conducting legislative business in Albany and planning activities within their home districts. The session calendar will foster orderly and timely consideration of legislation. Unforeseen events may require modification of the session calendar.

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**Indicates session day**

- **January 9**: 2019 Legislative Session convenes
- **January 14**: Start of sessions
- **January 21**: Martin Luther King, Jr. Day
- **February 1**: Final Day for Submission of Executive Budget
- **February 18**: Presidents’ Day
- **April 1**: Beginning of new Fiscal Year
- **May 27**: Memorial Day
Federal Policy Outlook Spells Opportunities for Counties

By Deborah Cox, Deputy Executive Director and Director of Government Affairs, National Association of Counties

Federal policy decisions have direct – and often immediate and lasting – impacts on county governments. These range from unfunded mandates and regulations to preemption of local decision-making to strategic investments in local infrastructure, the safety net and other essential services for residents.

In 2018, county officials, in partnership with NYSAC and the National Association of Counties (NACo), achieved significant federal policy accomplishments. Highlights include:

- Five-year farm bill with investments in rural and underserved communities
- Comprehensive legislation to fight the opioid epidemic and other substance use disorders
- Criminal justice reform with investments in local reentry programs to reduce recidivism
- EPA’s Waters of the U.S. (WOTUS) regulation reform that impacts county roadside ditches, storm water systems and local land use authorities
- FEMA programs that assist communities and the prohibition of FEMA recouping aid provided
- Protecting tax-exempt municipal bonds, the largest source of public financing for county infrastructure and facilities such as airports, courthouses, roads and bridges, hospitals, libraries and jails

As we enter 2019, momentum is on our side. We encourage you to join us in seizing the opportunities ahead.

Promote County Infrastructure Priorities

New York counties own nearly a quarter of public road miles and more than a third of public bridges statewide, plus other public works and facilities.

NACo supports efforts by the administration and Congress to increase investments to help promote economic development, public safety and overall mobility. Any federal infrastructure package should reflect county priorities, including allocating for more federal seed capital and matching funds for locally-owned infrastructure, increasing local decision-making authority and streamlining the federal permitting process.

Fully Fund and Implement the Farm Bill

As part of the farm bill implementation, NACo supports full funding to strengthen our nation’s rural infrastructure, including broadband and water and wastewater systems, protect our nation’s food supply, increase access to healthy food for low-income populations through the Supplemental Nutritional Assistance Program (SNAP) and promote environmental stewardship and conservation.

Continue Advocacy for a More Effective Definition of Waters of the U.S.

NACo believes that local streets, gutters and human-made ditches should be excluded from the definition of WOTUS under the federal Clean Water Act. NACo calls on Congress and the administration to develop and implement a new, more practical WOTUS definition in consultation and collaboration with state and local governments.

Promote Mental Health, Substance Use Disorder Treatment and Justice Reform

NACo supports sensible measures that promote and advance overall public safety, including new policies and approaches that would prevent and treat mental health and substance use disorders in the community and within the confines of the criminal justice system.

NACo supports programs that divert non-violent individuals struggling with mental illness and/or substance use disorders from local jails into more appropriate treatment programs. NACo also supports legislation requiring states to suspend, rather than terminate, an individual’s eligibility for certain federal health benefits upon arrest, including Medicaid and veterans’ benefits.
Boost Broadband Deployment and Accessibility While Preserving Local Zoning Authority

NACo supports the deployment and availability of emerging technologies, such as small cell 5G, to all areas of the nation to ensure even economic and educational opportunities for all.

Counties, which have long exercised responsible local zoning authority, are best suited to ensure that the public interest is served by communications providers. County officials can also fulfill the responsibilities of trustees of public property and as protectors of public safety and welfare.

NACo urges Congress and federal agencies to recognize counties as co-regulators, providers and partners in extending the benefits of advanced telecommunications and broadband technology – including improvements to county emergency preparedness and response systems – to all Americans. Federal policymakers should support local decision-making and oppose any actions that would preempt or limit the zoning and siting authority of local governments.

Promote Economic Mobility and Opportunity Across All Counties

NACo supports federal investments and policies that help advance regional and local strategies focused on serving those most in need. While national economic indicators are strong, many communities are lagging.

Counties are confronting increased demand and caseloads for workforce skills training, mental health and substance abuse treatment, public hospital services, child protective services and elderly care. At the same time, counties are increasingly burdened and restricted by mounting federal and state mandates, limitations and oversight. To meet these challenges, counties need a strong federal partner committed to achieving better outcomes through local decision-making, flexibility and accountability.

NACo is Your Voice in Washington

In partnership with NYSAC and county officials, NACo works closely with Congress, the administration and federal courts on issues important to America’s counties and our residents. As a non-partisan association owned and governed by the nation’s county government leaders, NACo focuses on practical, real world solutions to help all people and places thrive – ultimately, achieving healthy, safe and vibrant counties across America.

Learn more about NACo’s federal policy advocacy at www.NACo.org/advocacy, and register to participate in NACo’s Legislative Conference, March 2-6 in Washington, D.C., at www.NACo.org/Leg.
For more than a decade state leaders have been enacting measures designed to encourage local leaders to operate more efficiently, consolidate or eliminate programs, and share services—all with the intention of reducing costs and lowering the local program tax burden.

The latest state requirement is the county-wide shared services initiative (CWSSI), which required county executive, chairs, or administrators to convene panels of locally-elected municipal leaders to create a shared services plan that might foster collaboration and find savings for local property taxpayers. These panels were required to submit these plans to the State Division of Budget in either October 2017 or October 2018, for implementation in 2018 or 2019 respectively.

In October 2017, 34 counties submitted County-Wide Shared Services Plans for implementation in 2018 for an estimated savings of $208 million. This month, panel members will begin calculating the demonstrable savings for state matching funding.

Last October (2018), 23 county-wide shared services plans were submitted for an estimated first year savings of $49 million. These plans will be implemented this year for a state match of demonstrable savings in 2020. Three counties—Suffolk, Westchester, and Wyoming—decided to override the plans they submitted in 2017 and submit plans in 2018 for implementation in 2019.

Last year, the State Budget included a provision that extends the CWSSI through 2021, requiring county leaders to convene mayors and supervisors in their county each year to considering developing a new shared services plan.

This new law allows counties to work with one another on inter-county shared services, allows school district and BOCES participation, and enables fire and fire protection districts to join these panels that will be looking for savings.

This year, then, county leaders will be reconvening leaders of all local taxing jurisdictions to explore new ideas to share services and reduce property tax costs in their communities. The following examples of shared services projects have been included in the plans submitted in the past two years, and may be considered by panels convening over the next three years.

**Shared Services Project Categories**

(and some of the county plans including those project categories)

- Health Insurance Consortia (Albany, Allegany, Broome, Cayuga, Monroe Niagara, Oswego, Schenectady, Suffolk, Westchester, and others)
- Shared Equipment and Personnel (Erie, Otsego, Rensselaer, Rockland, Schuyler, Steuben, Warren, and others)
- Joint Procurement and Purchasing (Cattaraugus, Chemung, Dutchess, Hamilton, Putnam, Tompkins, and others)
- LED Streetlight Conversion (Albany, Allegany, Chemung, Fulton, Hamilton, Rensselaer, Warren, and others)
- Tax Collection (Allegany, Fulton, Niagara)
- Highway/DPW Functions (Chemung, Clinton, Erie, Onondaga, Warren)
- Water and Wastewater (Fulton, Oswego, Rockland, Suffolk, and others)
- School Resource Officers (Hamilton, Westchester)
- Public Safety & Emergency Management (Orange, Oswego, Westchester)
- GIS (Orange, Oswego)
- IT Services (Niagara, Orange, Rockland, Warren, Westchester)
- Tax Assessment (Orange, Oswego, Putnam, Washington, Wyoming)
- Records Management (Niagara, Orange, Otsego, Wayne, Westchester, and others)
- Solid Waste and Recycling (Albany, Hamilton, Niagara, Suffolk, Wyoming)
Ontario County Recognized for Ethical Business Practices
First Government to Earn ETHIE Award

Ethics. It cannot be measured in the workplace like other performance indicators. Yet ethical conduct – integrity, honesty, transparency, doing the right thing – has a direct correlation to a healthy work environment and to successful outcomes for customers. For a county government, high ethical performance has the potential to impact the entire community.

This past fall Ontario County became the first government organization to earn The Rochester Area Business Ethics Foundation’s (RABEF) ETHIE in recognition of its high level of ethical workplace standards. County Administrator Mary Krause accepted the award on behalf of the county during a ceremony in Rochester on October 22.

“We are honored to be a recipient of the ETHIE award,” Krause said. “This award speaks volumes to the numerous individuals working in our departments and service units who are focused on doing their best and the right thing every day to keep Ontario County a vibrant, healthy, and safe place.”

RABEF established the ETHIE Award in 2003, modeling it after the American Business Ethics Award for high ethical workplace practices. An independent panel of judges selected this year’s award recipients based upon a review of operational practices and an on-site visit. Ontario County represented the large employer category for organizations with more than 150 employees.

For Ontario County, this prestigious award is a welcome acknowledgement of an organizational-wide focus on open and ethical government.

“Over the past two years we made a concerted effort to put a spotlight on ethical performance by initiating programs specifically focused on ethical government,” Krause said.

“Employee engagement programs developed by teams of employees over the course of the year focused on our core values and behaviors.”

“Today more than ever residents are looking for their local government to be approachable, honest, and open,” County Board of Supervisors Chair Jack Marren said. “As community leaders and county staff members we are given opportunities every day to demonstrate high levels of ethics, and I’m proud that Ontario County has been recognized for raising the bar on ethical performance.”

Core Values

- Open government
- Ethical government
- Fiscal integrity
- Community engagement
- Stewardship of natural, economic, cultural, and historic resources
- Innovative leadership and succession
- Exceptional service
- Respect for the needs and valuable contributions of citizens
- Collaboration
- Recognize all employees are critical to achieving the vision and mission
- Respect and encourage dedicated service and provide resources needed to serve the public
Counties continue to struggle with addressing the opioid and heroin epidemic grappling the lives of millions of Americans. Overdose deaths related to the opioid/heroin epidemic have significantly risen from 2015 to 2017 and are now for the first time possibly seeing a peak in the number of opioid related deaths.

Nationally, more than 70,000 people died of a drug overdose last year according to the CDC. Here in New York State, there were 4,012 deaths in 2017 according to NYSDOH data.

Many counties across New York have begun to use a mapping tool called ODMaAP to better understand the landscape of the opioid epidemic in their community. This overdose detection mapping service helps these counties target emergency preparedness and addiction services to those most in need.

**About ODMAP**

The Washington/Baltimore High Intensity Drug Trafficking Area (HIDTA) serves the District of Columbia, Maryland, Virginia and West Virginia. The HIDTA developed a project called the Overdose Detection Mapping Application (ODMAP), an online tool that "provides real-time overdose surveillance data across jurisdictions to support public safety and health efforts to mobilize an immediate response to an overdose spike. It links first responders on scene to a mapping tool to track overdoses to stimulate real-time response and strategic analysis across jurisdictions. It is a mobile tool, capable of being used in the field on any mobile device or data terminal connected to an agency CAD system."

ODMAP was launched as a pilot initiative in January 2017 with three counties. In April 2017, the product went live nationwide.
and is currently being used by 400 agencies in 29 states, including law enforcement agencies in Albany, Broome, Cattaraugus, Erie, Monroe, Nassau, Niagara, Orleans, Ulster, Tompkins, and Wyoming counties in New York State.

In July 2017, ODMAP went live in Broome County. A coalition called the Peer Response Group, consisting of the representatives from Broome County government and the non-profit community was formed to combat the opioid and heroin crisis. Under the Broome County model, the first responder notifies Broome County 911 Dispatch Center of the type of overdose and how many, if any, doses of naloxone were administered. Dispatchers then feed the information into ODMAP and analysts in the Broome Crime Analysis Center review the cases.

According to the ODMAP website, “the Erie County Health Department monitors ODMAP for new overdose locations throughout the county and interfaces with local police to formally request a police report for each overdose incident. Law enforcement agencies throughout the county provide police reports on overdose incidents to the Health Department, which deploys Peer Recovery Specialists to the homes of the victims to discuss treatment options. In the first 90 days of the program, 47 percent of the referrals remain connected to care after 30 days, and none of the individuals identified have died of a subsequent overdose.”

Benefits to Counties

Counties that have implemented this free product have seen better coordination between law enforcement and health department personnel, a more streamlined and expedited response to assist those suffering from this addiction, and a real time graphic accessible in the office or out in the field showing the location of overdoses.

The ODMAP has allowed counties to link peer supports to persons afflicted with addiction. The peers have been able to connect with these individuals and assist in linking them to treatment. Since implementing this project, Broome County has seen a dramatic drop in fatal overdoses and as of August 2018, 127 individuals have been engaged with and are receiving services. In Erie County, there has been a similar trend. Over a similar period, overdose related deaths have declined from 251 to 69.

For more information on the ODMAP or to find out how to implement it in your county, visit www.hidta.org/odmap

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Dark Store Theory: What Every County Needs to Know

By Jay Franklin, Director of Assessment, Tompkins County

A Dark Store is not a weapon Darth Vader used in Star Wars, but it’s beginning to loom over many municipalities like the menacing Death Star,” says Steve Cohen, Director of Community Development, City of Auburn Hills.

While not a new concept, the Dark Store Theory is beginning to make its way around the appraisal world once again. The idea appears to have started with the construction of the New York State Stock Exchange building, and this theory is starting to wreak havoc on the tax bases and budgets across the country.

The term “Dark Store Theory” is not a commonly accepted appraisal term, but it is used when real property appraisers utilize vacant (i.e. ‘dark’) stores, that have already gone through their initial tenancy and have been re-adapted for second generation uses, to compare to brand new big box stores. There are many reasons why a big box store mall transition from the first-generation use to a second-generation use, and often these reasons are ignored when trying to determine the true market value of the property by the appraiser utilizing the “Dark Store Theory”.

The Dictionary of Real Estate Appraisal Sixth Edition, defines market value as “The most probable price, as of a certain date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue stress.”

In New York State, Real Property Tax Law Section 305 is the only legislative guidance that is provided in terms of what value the assessment process is trying to determine. The section of law requires that “All real property in each assessing unit shall be assessed at a uniform percentage of value (fractional assessment) …” It has been up to the courts to determine what “value” means in this section. And unfortunately, recent court cases in the last few years have drawn very different opinions of what this value means and what methods should be utilized by appraisers to determine this value.

These varying court decisions have placed a heavy burden on the local assessment community when trying to determine how strong their cases are when it comes to Big Box Stores. This uncertainty of knowing how a case would be decided has caused many out of court and court-ordered settlements in regards to complaints filed by Big Box Stores. There comes a point where settling a case and saving the money trying to defend a value outweighs the risks and costs of taking a case to court.

This is not something that is just an issue for New York State as this theory has been more active in other states so far. In Michigan, property tax appeals of Big Box Stores in Ottawa County have resulted in a loss of tax revenue of $14.8 million as tax rate limit increases reduces their tax levy as they deal with a lower tax base (this is opposed to New York State’s tax levy cap which limits the tax levy, so if the tax base lowers, the tax rate would simply rise to generate the tax levy needed by the taxing jurisdictions). This has caused a significant cut in funding for roads, employee benefits, and libraries.

In one case in Marquette, a brand-new Menards which cost $10 million to build was assessed at $5.2 million after completion even though they are required to assess at true market value. The court reduced this assessment to $1.5 million after buying into the “Dark Store Theory”.

Texas is especially susceptible to the “Dark Store Theory” since the state has no income tax. There, one Lowes appeal cost the local municipality $300,000 to defend their assessment. In Bexar County, TX, the county has spent over $1.2 million in legal fees so far defending these cases.

What is the possible effect in New York State? While difficult to determine as there is no standard level of assessment across the state, it is possible that upwards of $8.2 billion of tax base would be lost, which then shifts approximately $230 million in taxes to the rest of the tax base.

Other states have tried passing legislation to combat this theory. Indiana tried to pass a law that would be applicable to stores over 50,000 square feet, however it was repealed when it was deemed not constitutional as it would be applied differently to different property sizes. Michigan has tried to pass a law that would require their Tax Tribunal to review and cite in their decisions certain characteristics of comparable properties, but this has been unable to pass both of their legislative houses.

There is no magic pill or legislation that will solve the Dark Store Theory. Good sound appraisal techniques should be the answer, but unfortunately there are appraisers that will under-value a property using the “Dark Store Theory” and there are appraisers that will over-value a property by determining the value of the lease as opposed to the value of the real estate. With this said, New York State should review this issue by convening a task force so as not to cause any unintended consequences with any future legislation. This is not an issue that will go away by itself.
2019

Upcoming NYSAC Events

53rd Annual County Finance School
May 1-3, 2019
Sheraton Syracuse University Hotel
Syracuse, New York

Fall Seminar
September 16-18, 2019
Resorts World Catskills
Monticello, New York

For more information about these events and other education and training opportunities please visit: nysac.org/nysac-events
Community Branding: Create and Communicate Your County Brand

“C”ommunity branding” is the term for distinguishing your county to attract tourists, talent, business, and investment. It is a narrative that connects with local services and becomes a recognizable symbol. A strong brand can change perceptions, create a common vision, and enhance your regional or global position. To be successful, a brand should be authentic and highlight what makes your county and community unique. The tips below will provide you with guidance on branding or re-branding your county to draw people in and stimulate economic growth.

5 Tips for Building a Brand

1. DEFINE YOUR GOAL.

Begin by setting clear objectives for your county’s brand. Ask: What is our county trying to achieve by branding itself? Are we trying to attract a particular type of person, industry, or investment? What do they need that our county can provide? A brand is a tool for achieving your county’s goals, so you should hold off on designing one until you’ve defined your objectives.

2. CONSULT STAKEHOLDERS.

Consulting with stakeholders can help you to understand the current perceptions or attitudes within your county and create buy-in. Stakeholders include residents, businesses, visitors, and the media. Ask: What comes to mind when you think of the county? What are our strengths and weaknesses? What do you want people to think of when they think of the county? What type of experience would you like to have? The answers to these questions should guide your decision making. Word of mouth, local attitudes, and publicity will all affect whether your brand catches on, so it is important to involve stakeholders early to generate their support and commitment to the brand.

3. BE SPECIFIC.

While it is tempting to be all things to all people, this mindset will result in a brand that does not stand out or highlight your county’s unique attributes. Ask: What does the county stand for? What sets us apart? Can this brand fit anyone? Think of the specific activities, amenities, ambiance, and icons your community offers.

Keep these rules for slogans and tag lines in mind:

- It must be unique.
- Three words is best – no more than seven.
- Be specific. If you have to explain it, toss it.
- Try to convey a feeling or bring a picture to mind.

The graphics you choose should also be simple, easily recognizable, and unique to the community. Logos and slogans should support and reinforce your brand.

4. CONSISTENCY IS KEY.

Consistency and versatility are key to your brand catching on. Your county should deliver a consistent message, look, and feel across all communication platforms. Choose uniform color palettes, standard typefaces, and adaptable graphics that can be used for different formats. Your goal should be to “own” your brand the way Nashville owns country music, Paris owns romance, and Silicon Valley owns tech.

Display your brand as widely as possible, including on business cards, stationery, websites, airports, street signs, brochures, and social media. According to a marketing principle known as the “Rule of 7,” people need to see something at least seven times before they really notice it.
5. MEASURE SUCCESS.

To know whether your brand strategy is working, you will need to establish metrics for measuring its success. You’ll want to set milestones, record performance, and continue or modify what you’re doing based on the results. A consistent survey tool can be used to annually assess brand awareness, recognition, understanding, and value. Ask: Are we reaching the audience we hoped to? What marketing activities are the most effective? How do these metrics correspond with our economic and community development metrics? This assessment will allow for more strategic investments.

Takeaway

Branding involves more than logos, taglines, and campaigns. A brand should combine the community’s characteristics and policies into a single big idea that stakeholders can buy into and support. Think of your brand as a county-wide mission statement to guide decision making. If your community brands itself as a destination for millennials, then you should invest in broadband and public transit.

Remember that brands are what people think of you and changing perceptions can take time. You should not expect your brand strategy to bring an immediate influx of visitors or businesses, but you may prompt tourists or grantors to give your county a second look and generate local pride in the process. These outcomes can be worth the investment.
A NEW WAY TO INVEST FOR RETIREMENT.

Your Guide to Roth 457(b) Contributions

By now, you may have heard of the Roth IRA. You may have even set one up. Well, you also have the opportunity to designate all or part of your contributions to your governmental deferred compensation plan as after-tax Roth 457 contributions.

When you contribute to a Roth 457, you pay taxes on the portion of your salary that goes into the plan; but withdrawals of contributions and earnings can be tax-free during retirement if certain conditions are met.1

If you wish, you can even split your contributions between traditional, pre-tax 457 contributions and Roth 457 contributions.

What’s the benefit of designating some or all of your contributions as Roth? It gives you the opportunity to pay taxes on your contributions now and avoid taxes later.

Let’s compare

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<thead>
<tr>
<th></th>
<th>Traditional (pre-tax) 457(b)</th>
<th>Designated Roth 457 (Current Tax Bracket: 15%)</th>
<th>Designated Roth 457 (Current Tax Bracket: 25%)</th>
<th>Designated Roth 457 (Current Tax Bracket: 35%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single contribution</td>
<td>$10,000</td>
<td>$10,000</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Less federal taxes paid</td>
<td>$0</td>
<td>$1,500</td>
<td>$2,500</td>
<td>$3,500</td>
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<td>on contribution</td>
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<tr>
<td>Net total contribution</td>
<td>$10,000</td>
<td>$8,500</td>
<td>$7,500</td>
<td>$6,500</td>
</tr>
<tr>
<td>Value in 20 years</td>
<td>$46,610</td>
<td>$39,618</td>
<td>$34,957</td>
<td>$30,296</td>
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<tr>
<td>Less federal taxes</td>
<td>$11,652</td>
<td>$0</td>
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<td>at distribution (25%</td>
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<td>tax bracket)</td>
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<tr>
<td>Net distribution</td>
<td>$34,957</td>
<td>$39,618</td>
<td>$34,957</td>
<td>$30,296</td>
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These examples are hypothetical in nature and assume a 25% tax bracket at distribution. It also assumes that the retirement plan’s value earns an average total return of 8% compounded annually. Investment return is not guaranteed and will vary depending upon the investments and market experience.

A single contribution of $10,000 will be worth the same amount in 20 years if the tax bracket remains the same.

However, if the future tax rate is greater, the amount distributed from the Roth account will be greater than the post-tax amount distributed from the traditional 457(b) account.
The National Association of Counties (NACo) is your organization, representing counties in Washington, D.C., just as your state association represents you in the state capital.

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NACo provides value to our members through:
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- To engage members with resources to achieve healthy, vibrant and safe counties across the United States.

Access a county blueprint for success at www.NACo.org/membership or call 888.407.NACo (6226)
NYSAC tracks and makes available local laws that have been passed in our member counties. Understanding what other counties are doing to address local issues or needs can provide ideas for solutions to challenges in your own county.

Before we get to new local laws, please be aware of an important state legislative action that will allow for more options for county local laws going forward. On August 24, 2018, state legislation went into effect allowing counties to include community service as a sentence for violating a local law. Previously, counties were limited to fines or imprisonment for up to one year in jail for violations. Please note, this new local law option only allows for community service that does not “result in the displacement of employed workers or in the impairment of existing services.”

Below is a description of unique and recently passed local laws by our members as well as a web address link to find the entire local law.

**Suffolk County Enacts Local Law Requiring Sign Language Outreach During Emergencies**

On October 19th the Suffolk County Legislature passed a local law requiring the Commissioner of the Department of Fire, Rescue and Emergency Services to use a certified American Sign Language Interpreter at all emergency situation press conferences. Additionally, the law requires the interpreter, to the greatest extent possible, be positioned so that their face, body, arms and hands are visible at all times in the video transmission.

This local law comes after the legislature studied and determined that over 48 million Americans are either deaf or hard of hearing. The health and safety of these individuals could be at risk if they are unable to obtain time-sensitive emergency management information provided by the county.

The county law defines “emergency situation” as any disaster, rioting, catastrophe, severe weather, flooding or similar event regardless of whether a state of emergency has been declared by the state or local government.

For the local law in its entirety visit: [https://on.ny.gov/2QWaRys](https://on.ny.gov/2QWaRys)

**Dutchess County Passes Local Law Placing Restrictions on Plastic Bag Use**

On October 19, 2018 Dutchess County passed a Local Law promoting the use of reusable bags and regulating the use of plastic bags. The Ulster County Legislature found, through data released by the United States Environmental Protection Agency, that between 500 billion and 1 trillion plastic bags are consumed worldwide each year.

The Ulster County Legislature further determined the production and disposal of single use checkout bags has significant environmental impacts, and that most plastic bags do not biodegrade and contaminate soils and waterways, affecting human health.

In response to these findings, the legislature passed this local law to encourage consumers in the county to use reusable bags. The law seeks to achieve this goal by 1) prohibiting retail stores in Ulster County from providing plastic carryout bags to their customers; and 2) requiring that a fee be placed on recyclable paper bags and certain other plastic bags within a “covered store.”

The law included some of the following definitions:

"COVERED STORE" shall mean an establishment engaged in the retail sale of personal, consumer or, household items including but, not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts; apparel stores; home center and hardware stores; stationery and office supply stores; farmers markets, open-air flea markets; and food service establishments that provide carryout bags to consumers.
This term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores or foodmarts.

“SINGLE USE PLASTIC CARRYOUT BAG” shall mean single use plastic bags less than 4 mils thick provided by a covered store to a customer at the point of sale and is used to carry goods from such store. “Plastic Carryout Bag” does not include a bag without handles used to carry produce, meats, dry goods or other non-prepackaged food items to the point of sale within a store or market.

If it is determined that a violation of this law has occurred, a written warning notice will be issued to the operator of a Covered Store. If a Covered Store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written notice, the following penalties will be imposed and shall be payable by the operator of the store:

(1) A fine not exceeding one hundred dollars ($100.00) for the first violation after notice;

(2) A fine not exceeding two hundred fifty dollars ($250.00) for the second violation;

(3) A fine not exceeding five hundred dollars ($500.00) for the third and subsequent violation.

For the local law in its entirety: https://on.ny.gov/2Tft9Hr

Suffolk County Enacts A Local Law Regarding Privacy of County Employee Information

On November 2, 2018 Suffolk County passed a local law to prohibit the disclosure of personal information of county employees. This law prohibits any Suffolk County officer or employee from disclosing the home address(es), personal telephone number(s), personal cell phone number(s) or personal email address(es) of a public employee, except to the extent provided for in accordance with New York Civil Service Law, or to the extent compelled to do so by lawful service of process, subpoena, or court order.

The restrictions of this law shall not apply to work-related, publicly available information, such as an employee’s title, salary and dates of employment.

For the local law in its entirety: https://on.ny.gov/2VgGqRQ

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ANN MARIE BARCLAY, MAYOR OF BERGEN

“During the 2006 floods that ravaged the Southern Tier, NYMIR covered our claims and provided a level of service that we expect from a municipally-owned insurance program, and that’s why we are a Subscriber.”

DALE WESTON, TIOGA COUNTY LEGISLATURE

“Our town was sued over its adoption of a moratorium. We would like to thank NYMIR for supplying us with admirable legal counsel in the case. The Appellate Court found in favor of the town’s position and it was a pleasure to have such excellent representation provided to us.”

DAVID LEFEBER, TOWN OF AVON SUPERVISOR

“We have enjoyed a great relationship with NYMIR over the past many years. Their concern, interest and courtesy are greatly appreciated and we remain thankful for the coverage provided to us and hundreds of other municipalities.”

ROBERT BLAIS, MAYOR OF LAKE GEORGE

“At the time we suffered wind damage to the town and county salt shed, NYMIR went the extra mile to get it handled. Every now and then you get a pleasant surprise; this was one of those times.”

JAMES LUNKENHEIMER, IRA TOWN SUPERVISOR
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Dale Weston, Tioga County Legislature

“When our village Waste Water Treatment Plant completely shut down due to a catastrophic event that destroyed the population of bacteria necessary to the treatment process, NYMIR’s representatives came to our aid. The expertise, concern and understanding shown by NYMIR during this difficult time exemplify the quality of this company and validate our membership. I don’t believe any other company would have understood our claim let alone approved it.”

Ann Marie Barclay, Mayor of Bergen

“We have enjoyed a great relationship with NYMIR over the past many years. Their concern, interest and courtesy are greatly appreciated and we remain thankful for the coverage provided to us and hundreds of other municipalities.”

Robert Blais, Mayor of Lake George

“At the time we suffered wind damage to the town and county salt shed, NYMIR went the extra mile to get it handled. Every now and then you get a pleasant surprise; this was one of those times.”

James Lunkenheimer, IRA Town Supervisor
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