

LEGISLATIVE & RULES COMMITTEE

AGENDA

SEPTEMBER 29, 2016

*Committee Members: Supervisors Strough, Seeber, Girard, Sokol, Wood, McDevitt, Montesi, Braymer, Leggett*

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting - *August 30, 2016*
- III. Action Agenda/New Business Items:
  1. Consideration of support for Resolution No. 283 of 2016 received from the Schuyler County Legislature entitled, *“Resolution Calling on Governor Andrew M. Cuomo and the State Legislature to Work with New York’s Congressional Delegation to Amend and Improve the Family First Prevention Services Act of 2016 to Ensure Essential Fiscal Resources are Maintained to Support Families in Need”*.
- IV. Discussion Items:
  1. Draft resolution submitted by Mr. Robert Schulz, *Town of Queensbury Resident*, “Declaring that it would be a Conflict of Interest for Certain Individuals Regulated by the New York State Constitution to be Delegates at as New York State Constitution Convention” - *Committee tabled review of this item at their August 30<sup>th</sup> meeting; Mr. Schulz to attend meeting and answer questions from the Committee.*
  2. No smoking policy for the Municipal Center campus - Chairman Geraghty has received a petition signed by 78 employees opposing the policy - *Committee tabled review of this item at their August 30<sup>th</sup> meeting pending information on possible locations for designated smoking areas and the cost to implement them.*
  3. Rules and voting procedures for declaration of executive session.
- V. Referrals/Pending Items:
  1. Discussion on Agricultural Districts - Committee requested Amanda Allen contact a representative referred by the Warren County Soil & Water District to speak about this matter (08.30.16) - *Representative will be invited to attend the October meeting of the Legislative & Rules Committee.*
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
- VII. Motion to adjourn

---

Attachments:

1. Schuyler County Legislature Resolution No. 283 of 2016 (*Action Agenda Item 1*)
2. Letter and resolution proposed by Mr. Robert Schulz (*Discussion Item 1*)

Resolution No. 283  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
September 12, 2016

Intro. No. 29  
Approved by Committee DAF- Individually  
Approved by Co. Atty. SJG

Motion by Rondinaro  
Seconded by Blowers  
Vote: 7 Ayes to 0 Noes  
Name of Noes \_\_\_\_\_

RE: RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE TO WORK WITH NEW YORK'S CONGRESSIONAL DELEGATION TO AMEND AND IMPROVE THE FAMILY FIRST PREVENTION SERVICES ACT OF 2016 TO ENSURE ESSENTIAL FISCAL RESOURCES ARE MAINTAINED TO SUPPORT FAMILIES IN NEED

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature calls upon Governor Andrew M. Cuomo and the State Legislature to work closely with New York's Congressional Delegation to amend and improve the Family First Prevention Services Act of 2016 so that early adopters states are not penalized by strict maintenance-of-effort provisions, that current federal reimbursement streams be maintained, and sufficient flexibility be provided to meet the unique circumstances in different states; and

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

BE IT FURTHER RESOLVED, the Clerk to the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, Congressman Thomas W. Reed, III, the New York State Congressional Delegation and all others deemed necessary and proper.

STATE OF NEW YORK     )  
  ) SS:  
COUNTY OF SCHUYLER    )

I, Stacy B. Husted, Clerk of the Schuyler County Legislature, do hereby certify that the foregoing is a true and exact copy of resolution duly adopted by the County Legislature on September 12, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said County Legislature at Watkins Glen, NY.

Stacy Husted  
Clerk

9/13/16  
Date

Robert L. Schulz  
2458 Ridge Road  
Queensbury, NY 12804

May 5, 2016

Chairman and Members of the  
Warren County Board of Supervisors  
1340 State Route 9  
Lake George, NY 12845

Attn: Amanda Allen - Clerk, Board of Supervisors

Dear Mr. Geraghty and Members of the Board:

With respect, please take notice the following question will be on the statewide ballot in November 2017: "Shall there be a convention to revise the constitution and amend the same?"

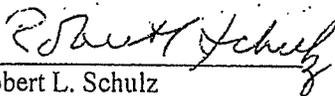
Attached is a draft of a Resolution that would have the Board: a) declare that it would be a conflict of interest for those regulated by the New York State Constitution to be a delegate at a New York State Constitution Convention; and b) call upon the citizens of Warren County to prepare now for the question by beginning a process of nominating and vetting candidates for the position of Constitution Convention delegate.

I respectfully request the Resolution be introduced to the Board for its consideration.

I have prepared a 30-40 minute power point presentation in support of the Resolution that I believe would be educational and beneficial to Board in its deliberation. Please advise.

Thank you for your attention to this matter.

Respectfully yours,

  
Robert L. Schulz  
518-656-3578

RESOLUTION NO. \_\_\_\_ OF 2016

**DECLARING THAT IT WOULD BE A CONFLICT OF INTEREST FOR CERTAIN  
INDIVIDUALS REGULATED BY THE NEW YORK STATE CONSTITUTION  
TO BE DELEGATES AT A NEW YORK STATE CONSTITUTION CONVENTION**

WHEREAS, all power is inherent in the People, therefore no word finds its way into or out of the New York State Constitution except by a vote of the People; and

WHEREAS, by the terms of the New York State Constitution, the People structure and regulate the government and private and private corporations, including political parties and registered lobbying organizations; and

WHEREAS, in Section 1 of Article XIX of the New York State Constitution, the People have provided the Government of the State with a pathway to revise and amend the State Constitution; the Legislature can agree to place a proposed constitutional Amendment on the statewide ballot for a "yes" or "no" vote by the People; and

WHEREAS, in Section 2 of Article XIX of the New York State Constitution, the People have provided themselves with a pathway to governmental reform by formally evaluating the performance of the government, in convention, every twenty years, for the purpose of revising and amending the State Constitution as needed; and

WHEREAS, the question, "Shall there be a convention to revise the Constitution and amend the same?" will next appear on the ballot in November of 2017, and if the People vote yes those desiring to be convention delegates would stand for election in November 2018; and

WHEREAS, it would be a conflict of interest for anyone regulated by the Constitution to be a delegate at the convention the purpose of which is to recommend changes to the rule book that governs their behavior; and

WHEREAS, the good People of Warren County, the 45<sup>th</sup> State Senatorial District and the State of New York are quite capable of developing a slate of competent candidates who would compete for the 204 delegate seats to be filled in such election of 2018: three from each state senatorial district and fifteen at large; now, therefore be it

RESOLVED, that the Warren County Board of Supervisors does hereby declare that employees of New York State's Government, political parties and lobbying organizations have no business being delegates at a New York State Constitution Convention and such would be a most egregious, unconstitutional and unethical conflict of interest, and be it further resolved

RESOLVED, that the Warren County Board of Supervisors does hereby call upon the citizens of Warren County to begin now, in advance of the November 2017 vote on the question, a process of nominating and vetting individuals for the position of delegate to the Constitution Convention; and be it further

RESOLVED, the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to: a) the New York State Association of Counties; and b) the Boards of Supervisors and Legislatures of the 56 other counties outside New York City; and c) local and regional print and broadcast media.

## N.Y. CONSTITUTION ARTICLE XIX

### Amendments to Constitution

**[Amendments to constitution; how proposed, voted upon and ratified; failure of attorney-general to render opinion not to affect validity]**

Section 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly whereupon such amendment or amendments shall be referred to the attorney-general whose duty it shall be within twenty days thereafter to render an opinion in writing to the senate and assembly as to the effect of such amendment or amendments upon other provisions of the constitution. Upon receiving such opinion, if the amendment or amendments as proposed or as amended shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the ayes and noes taken thereon, and referred to the next regular legislative session convening after the succeeding general election of members of the assembly, and shall be published for three months previous to the time of making such choice; and if in such legislative session, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution on the first day of January next after such approval. Neither the failure of the attorney-general to render an opinion concerning such a proposed amendment nor his or her failure to do so timely shall affect the validity of such proposed amendment or legislative action thereon. (Formerly §1 of Art. 14. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 4, 1941; November 6, 2001.)

**[Future constitutional conventions; how called; election of delegates; compensation; quorum; submission of amendments; officers; employees; rules; vacancies]**

§2. At the general election to be held in the year nineteen hundred fifty-seven, and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the state voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his or her services the same compensation as shall then be annually payable to the members of the assembly and be reimbursed for actual traveling expenses, while the convention is in session, to the extent that a member of the assembly would then be entitled thereto in the case of a session of the legislature. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the ayes and noes being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal, proceedings and other expenses of said convention. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of

the electors of the state at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval. (Formerly §2 of Art. 14. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 6, 2001.)

**[Amendments simultaneously submitted by convention and legislature]**

§3. Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the legislature, coincidentally submitted to the people for approval shall, if approved, be deemed to supersede the amendment so proposed by the legislature. (Formerly §3 of Art. 14. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

**ARTICLE XX**

**ACCESS ADIRONDACKS  
MEMORANDUM OF UNDERSTANDING  
AMONG PUBLIC AND PRIVATE ORGANIZATIONS REGARDING  
RECREATIONAL ACCESS TO ADIRONDACK STATE LANDS**

The purpose of this Memorandum of Understanding (MOU) is to describe an understanding among the diverse undersigned organizations representing municipal governments, landowners, recreational organizations, sportsman's organizations, conservation groups, chambers of commerce, citizens and businesses to be known as "Access Adirondacks" documenting their commitment to the goal of increasing access and recreational opportunities on state lands. This MOU is not a binding commitment, but is a statement of the intent of undersigned parties to work together in good faith to increase access and recreational opportunities on Adirondack state lands, that recognizes the following:

- The Adirondack region possesses one of the largest natural assemblages of valuable lands and waterways in the eastern United States that represent the region's chief economic asset; and
- Adirondack municipalities, businesses and residents are dependent on the region's natural resources for their economic well-being; and
- Recreational organizations are dependent on the Adirondack's natural resources, and reasonable access to those resources for the benefit of their members; and
- The undersigned are dedicated to the protection and wise use of the natural resources of the Adirondacks; and
- The undersigned support the allocation of sufficient resources to the Department of Environmental Conservation to enable it to properly manage the use and protection of the natural resources of the Adirondacks; and
- The undersigned support a balanced approach to the classification and management of newly acquired Adirondack state lands that protects the resources and the residents economies; and
- The undersigned support a balanced approach to the creation of unit management plans for newly acquired state lands and the amendment of unit management plans for existing state lands; and
- The undersigned support the protection of the historic and natural resources of the Adirondacks; and
- The undersigned support the preservation of the culture of the Adirondacks, the continuation of traditional uses of the resources of the Adirondacks, and the creation of opportunities for families to enjoy the recreational opportunities in the Adirondacks; and

NOW, THEREFORE, IT IS HEREBY

AGREED that the undersigned public and private entities representing concerned citizens throughout the region and beyond, support reasonable access and recreational

opportunities on existing and newly acquired state lands and state conservation easement lands; and it is further

AGREED that the said entities support an approach to state land classification and unit management planning that respects the culture and traditional uses of the Adirondacks, protects the natural resources, and respects the need of Adirondack residents and businesses for a healthy and sustainable economy; and it is further

AGREED that the said entities intend to work constructively with state agencies and with each other to achieve balance in Adirondack decision-making affecting access to and use of Adirondack state lands by residents and visitors; and it is further

AGREED that the said entities intend to cooperate with each other, to analyze the natural resources and relevant road and trail infrastructure, of newly acquired and existing state lands and to support reasonable recreational access to those lands for all, including the elderly, disabled physically challenged and veterans; and it is further

AGREED that the said entities intend to work with appropriate authorities to provide information regarding traditional and historic uses of state lands and ways that traditional uses may be continued; and it is further

AGREED that the said entities intend to prepare additional Memorandums of Understanding as the need arises to support amendments of the Adirondack Park State Land Master Plan and unit management plans to achieve balanced state land policy and reasonable access while protecting natural resources; and it is further

AGREED that the undersigned call upon the State of New York to partner with them to improve access to state lands and to improve the economies of the municipalities which depend upon access to state lands for their economic well being; and it is further

AGREED that this Memorandum of Understanding may be signed in counterparts.