

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 30th 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 30th 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

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?"

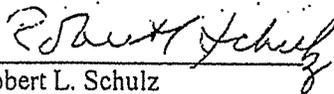
Attached is a draft of a Resolution that would have the Board: a) declare that it would be a conflict of interest for those regulated by the New York State Constitution to be a delegate at a New York State Constitution Convention; and b) call upon the citizens of Warren County to prepare now for the 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 45th 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.