

## **ORDINANCES INTRODUCED**

- 2.21.11 AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF YATES STREET IN THE CITY OF ALBANY**
- 3.21.11 AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE**
- 4.21.11 AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL), PART 10 (BOARD OF CONTRACT AND SUPPLY) AND PART 14 (BOARD OF ESTIMATE AND APPORTIONMENT) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMMON COUNCIL OPERATING PROCEDURES**
- 5.21.11 AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF ALBANY BY ADDING THERETO A NEW PART 38 TO BE ENTITLED: "PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT COMMITTEE"**
- 6.21.11 AN ORDINANCE AMENDING ORDINANCE 53.42.10 REGARDING THE ESTIMATED COST AND AMOUNT OF BONDS FOR THE CAPITAL IMPROVEMENT OF WESTLAND HILLS PARK**

- 7.21.11 AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,400,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,400,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION)**
- 8.21.11 AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION)**
- 9.21.11 AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$205,000.00 AND AUTHORIZING THE ISSUANCE OF \$205,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE)**
- 10.21.11 AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY HALL IMPROVEMENTS)**

## **RESOLUTIONS INTRODUCED**

- 2.21.11 AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF YATES STREET IN THE CITY OF ALBANY**
- 3.21.11 AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE**
- 4.21.11R RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE CITY OF ALBANY REAPPORTIONMENT COMMISSION IN ACCORDANCE WITH SECTION 406 OF THE CHARTER OF THE CITY OF ALBANY**
- 5.21.11R RESOLUTION PROMOTING LOCAL AND REGIONAL FOOD SYSTEM INITIATIVES WITHIN THE CITY OF ALBANY**
- 6.21.11R RESOLUTION OF THE COMMON COUNCIL SUPPORTING ENACTMENT OF H.R. 308 TO PROHIBIT THE TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES**
- 7.21.11R RESOLUTION COMMEMORATING BLACK HISTORY MONTH 2011 AND HONORING THE EXTRAORDINARY CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE NATION AND THE CITY OF ALBANY**

**Council Member Golby introduced the following:**

**Ordinance Number 2.21.11**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF  
A PORTION OF YATES STREET IN THE CITY OF ALBANY**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. It is hereby ordered and directed that the portion of Yates Street north of Partridge Street to the southern edge of Rear 936-958 Madison Avenue (Tax Map #64.68-2-72), measuring approximately 66 feet in width by 330 feet in length, be discontinued and closed.**

**Section 2. It is hereby determined that the aforesaid right-of-way has been abandoned for municipal or public purposes.**

**Section 3. The form, content and description of the right-of-way to be closed shall be approved by the Corporation Counsel.**

**Section 4. This ordinance shall take effect immediately after public hearing and final passage.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**To: John C. Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: January 28, 2011**

**ORDINANCE NUMBER 2.21.11**

**TITLE**

AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF YATES STREET IN THE CITY OF ALBANY

---

**GENERAL PURPOSE OF LEGISLATION**

TO CLOSE AND DISCONTINUE THE PORTION OF YATES STREET NORTH OF PARTRIDGE STREET TO THE SOUTHERN EDGE OF REAR 936-958 MADISON AVENUE. IF AUTHORIZED THE LAND WOULD BE SOLD TO THE COLLEGE OF SAINT ROSE TO FACILITATE NEW CONSTRUCTION THE CAMPUS.

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

CLOSING AND DISCONTINUANCE OF RIGHT-OF WAYS REQUIRES LEGISLATIVE AUTHORIZATION.

---

***EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE***

**AS SOON AS PRACTICABLE AFTER A PUBLIC HEARING.**

---

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

---

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

---

**FISCAL IMPACT(S)**

N/A

---

---

**Council Member Golby introduced the following:**

**Ordinance Number 3.21.11**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the property known as Rear 936-958 Madison Avenue (Tax Map #64.68-2-72) and the abandoned portion of Yates Street north of Partridge Street be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the College of Saint Rose.**

**SUBJECT to all easements, restrictions and rights-of-way of record.**

**Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.**

**Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.**

**Section 4. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**To: John Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: January 28, 2011**

**ORDINANCE NUMBER 3.21.11**

**TITLE**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE**

---

---

---

**GENERAL PURPOSE OF LEGISLATION**

**TO AUTHORIZE THE SALE OF APPROXIMATELY .8 ACRE TO SAINT ROSE. THE COLLEGE IS PROPOSING TO BUILD A DORM AND ACCESSORY PARKING LOT ON THE PROPERTY IF THE COUNCIL AUTHORIZES THE SALE.**

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW CONVEYANCE OF MUNICIPAL PROPERTY REQUIRES LEGISLATIVE AUTHORIZATION.**

---

***EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE***

N/A

---

---

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

---

---

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

**SAINT ROSE IS AVAILABLE TO COME BEFORE THE COUNCIL TO EXPLAIN THE PROJECT.**

---

---

**FISCAL IMPACT(S)**

**TO BE DETERMINED**

---

---

**Council Member Conti introduced the following:**

**Ordinance Number 4.21.11**

**AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL), PART 10 (BOARD OF CONTRACT AND SUPPLY) AND PART 14 (BOARD OF ESTIMATE AND APPORTIONMENT) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMMON COUNCIL OPERATING PROCEDURES**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. Chapter 42, Part 21, Article XXXI of the Code of the City of Albany is hereby amended to read as follows:**

**Part 21 - Common Council**

**ARTICLE XXXI - General Provisions**

**§ 42-223. Common Council Rules and Operating Procedures.**

This Article sets forth the basic operating procedures for the City of Albany Common Council. The Common Council also follows its own “Rules of Procedure” adopted by resolution of the Common Council at the annual organizational meeting and amended from time to time.

**§ 42-224 [42-223]. Common Council [;] minutes [; publication; distribution; bound].**

The minutes of each meeting of the Common Council shall comply with the requirements of the NYS Open Meetings Law and any requirements contained in the Common Council Rules of Procedure. Minutes of each official meeting [be published in the official newspapers and] shall be printed in full within six days after [the] adjournment and immediately distributed, one to the Mayor, one to each member of the Common Council and one to the head of each department. At the end of the year the printed minutes [and reports of the City officers shall be printed and bound in adequate number. ] shall be maintained by the City Clerk as an official city record.

**[§ 42-224. Board of Estimate and Apportionment; minutes; Board of Contract and Supply; distribution; bound.**

The minutes of each meeting of the Boards of Estimate and Apportionment and Contract and Supply shall be printed in full and distributed, one to each member of such Boards and of the Common Council and one to the head of each department. At the end of the year the printed minutes shall be indexed and bound in adequate number.]

**§ 42-225. [Aldermen; quorum] Quorum; President.**

[A majority of the Aldermen elected] Eight members of the Common Council shall constitute a quorum, but [a smaller] any number may adjourn from time to time and compel the attendance of absent members at official meetings. The Council shall be called to order by the President or, if [he be] the President is absent, by the President [Pro Tem] Pro-Tempore, who shall preside until the President appears.

**[§ 42-226. Order of business.**

After calling the roll and reading and approving of minutes, the order of business, which shall not be departed from except by the consent of a majority present, shall be as follows:

- A. Local laws.
  - (1) Introduction of local laws.
  - (2) Messages from the Mayor relative to local laws.
  - (3) Public hearing on local laws.
  - (4) Discussion on local laws.
- B. Communications from the Mayor, heads of departments and City officers.
- C. Consideration of vetoes.
- D. Presentation of petitions, remonstrances and communications.
- E. Reports of standing committees.
- F. Reports of select committees.
- G. Consideration of accounts and appeals.

- H. Consideration of ordinances.
- I. Resolutions.
- J. Miscellaneous or unfinished business.]

**[§ 42-227. Local laws; introduction and procedure.**

- A. Every local law shall be introduced by a member or on the report of a committee.
- B. Every local law introduced shall be in duplicate and shall have endorsed thereon a statement of its title with the name of its introducer.
- C. If a local law purports to supersede an existing provision of the Charter or of another state law, it shall indicate in the next to the last section thereof the particular provision which is to be superseded.
- D. If a local law purports to amend an existing local law, it shall when practicable show all the new matter underscored and all the matter to be eliminated in brackets, and, when such local law is printed or reprinted, all new matter must appear in italics and all matter to be eliminated in brackets.
- E. Every local law introduced shall be deposited with the Clerk and shall be read in its order of introduction when the order of business, "Introduction of Local Laws," shall be reached.
- F. The Clerk shall cause every local law immediately upon its introduction to be printed and placed on the desks of the members; he shall number them consecutively as received. Such number law shall be retained as an introductory number. Each local law shall also have a print number, and if the same is printed, the original print number shall be retained and there shall be added its new print number.
- G. The Clerk shall transmit to the City Clerk a certified copy of every local law upon its enactment and such local laws as are subject to mandatory referendum or referendum on petition. The City Clerk shall within three days after the taking effect of a local law file three certified copies thereof in the office of the Secretary of State.

H. No such local law shall be passed until it shall have been in its final form and upon the desk of the members at least seven calendar days, exclusive of Sunday, prior to its final passage, unless the Mayor shall have certified as to the necessity for its immediate passage, and such local law be passed by the affirmative vote of two-thirds (2/3) of the voting power of the Common Council.]

**[§ 42-228. Petitions, memorials and resolutions; introduction and procedures.**

All petitions, memorials, resolutions or other papers, previously to their being handed to the Chair, shall have a brief statement of their contents indorsed thereon, together with the name of the member presenting the same, and when requested, the same shall be read by the Clerk before reference or voting thereon.]

**§ ~~42-226~~ [42-229. President; s] ~~S~~pecial meeting; procedures.**

The President of the Common Council or a majority of its members may call a special meeting by causing a written notice thereof specifying the objects of the meeting to be served by the City Clerk upon each member personally, [or by mail directed to his place of residence or place of business,] by mail, facsimile, or electronic mail at least 24 hours before the time of such meeting [, and]. The City Clerk shall make every reasonable attempt to insure that each council member actually receives notice of the special meeting. N [n]o other business than that stated in said notice shall be transacted at such meeting.

**[§ 42-230. Committees and officers; report.**

All committees and officers of the Council to whom any petition, account or other matter shall be referred, shall make a report thereon in writing at the first regular meeting after such reference; and the presiding officer at each regular meeting shall call upon such committees and officers for their reports in the order stated in Rule 2, and committees and officers, on making their reports, shall return the petition, account or other matter referred. ]

**[§ 42-231. Reports.**

All reports shall be entered on the minutes and filed with the Clerk.]

**[§ 42-232. Proposed laws; printed copy; distribution; when.**

A printed copy of all proposed laws shall be delivered, under the direction of the Clerk, to each member of the Council, at least six days before the same shall be put upon their passage. ]

**[§ 42-233. Executive session; procedures.**

For the consideration of all cases mentioned in Rule 32, the Council may, with the consent of 10 members thereof, resolve itself into executive session, at which session the Council may exclude all persons from the room, except the Aldermen and the Clerk of the Common Council.]

**[§ 42-234. President; procedures to leave Chair.**

Whenever the President may wish to leave the Chair, he shall substitute the President Pro Tem or, if he be absent, any member in his place, but to act for that meeting only.]

**[§ 42-235. Debate; procedure.**

No question shall be debated or put unless the same shall be seconded. When a motion is seconded, it shall be stated by the President before debate, and every such motion shall be reduced to writing if any member request it.]

**[§ 42-236. President; motion; withdrawal.**

After a motion is stated by the President, it shall be deemed to be in the possession of the Council; but it may be withdrawn at any time by the mover, before decision or amendment, by unanimous consent.]

**[§ 42-237. Questions of order; procedure.**

Questions of order shall be decided by the Chair without debate, subject to an appeal to the Council, which shall also be decided without debate. A member called to order shall immediately take his seat, unless permitted to explain, and the Council, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to.]

**[§ 42-238. Committees; appointment; Chairman.**

All committees shall be appointed by the President Pro Tem. The first person named in the appointment of a committee shall be the chairman thereof.]

**[§ 42-239. Motions to adjourn.**

Motions to adjourn, to lay on the table and for the previous question shall always be in order, and shall be decided without debate.]

**[§ 42-240. Filling of blanks; procedure.**

When a blank is to be filled, and different sums, numbers or times are proposed, the question shall first be put on the greatest number, longest time and largest sum.]

**[§ 42-241. Division of question.**

Any member may require a division of the question which may contain two or more distinct propositions.]

**[§ 42-242. Addressing the Chair.**

No speaker or member shall speak or debate upon any question unless he shall address the Chair standing.]

**[§ 42-243. Members speaking; time allowed.**

No member shall speak more than twice on any question unless by permission of the Council, nor more than once until every member choosing to speak shall have spoken. No member shall be allowed to speak longer than five minutes to explain his vote on any question.]

**[§ 42-244. Deliberations; orderly conduct.**

A. No conversation shall be permitted in the Council that will disturb the deliberations thereof, nor shall any question or resolution be presented or discussed so long as any other matter undisposed of shall be before the Council for deliberation.

B. Every member of the Council shall, during its meetings, conduct himself in an orderly and gentlemanly manner, and no personalities nor any conduct or language likely to create any disturbance shall be allowed.]

**[§ 42-245. Votes; reconsideration of.**

When a question has once been put and decided, it shall not be in order for any member voting in the minority on such question to move for the reconsideration of any vote thereof. No motion for the reconsideration of any vote shall be in order unless made prior to the adjournment of the meeting which decided the question, and no question or vote on said subject matter shall be a second time reconsidered.]

**[§ 42-246. Voting; procedure.**

In all propositions involving an appropriation or expenditure of money, or authorizing a sale or lease of City real estate, or of any franchise belonging to or under the control of the City, or when voting to inflict a fine or penalty, or upon appeal questions, the ayes and noes shall be taken, but on all other questions the ayes and noes shall only be taken whenever so required by at least four members.]

**[§ 42-247. Admittance to session of Council; permission required.**

No person except members, ex-members of the Common Council, City officers and official reporters shall be allowed to come within the bar during the session of the Council, without the permission of the Council.]

**[§ 42-248. Standing committees; appointed biennially; vacancies.**

The standing committees shall be appointed biennially, and as soon after the organization as practicable. In case of vacancies in committees they shall be filled by the President Pro Tem. A majority of all committees shall be a quorum for the transaction of business.]

**[§ 42-249. Standing committees; members.**

The standing committees shall each consist of three members, unless otherwise indicated, and shall be as follows:

Academies and Schools (five members)

Accounts and Appeals (five members)

Applications to the Legislature

Docks and Ferries

Fire Department

Land

Law

Levels

Markets

Navigation, Trade and Commerce

Police

Printing

Privileges and Elections

Public Buildings (five members)

Public Celebrations and Entertainments (seven members)

Railroads (five members)

Relations of City and County

Streets and Sewers, Northern Section

Streets and Sewers, Southern Section

Streets and Sewers, Western Section

Water (five members)]

**[§ 42-250. Committees; procedure.**

No report of any committee shall be received, nor shall any matter of business be transacted by any committee except a majority of said committee be actually assembled, and in no case unless said committee meeting be called by the Chairman or a majority of said committee, and every member thereof be notified and have a reasonable time to be present at said meeting.]

**[§ 42-251. Committees; powers and authority.**

A. No committee shall have the power of employing any person for or on behalf of the City, or incur any expense except in such cases as herein provided, unless specially authorized by the Common Council.

B. Every committee shall have power and authority to send for persons and papers, and examine witnesses under oath, pursuant to the laws of the state, in any matter or proceeding referred to or before it; and such examination, together with all papers and proceedings, shall be returned to the Common Council.]

**[§ 42-252. Returned ordinances with objections by Mayor; procedures.**

A. Upon the return of any ordinance, with objections by the Mayor, the objections shall be read and entered at length on the minutes, and the Clerk shall forthwith cause the same to be published in the corporation newspapers at length one time; and no other action or debate in reference to said matter shall be had thereon at that meeting; and no action shall be had on said ordinance or objections, at any meeting held less than five days after such objections have been received by the Council.

B. When an ordinance has been returned with objections by the Mayor, the question to be put by the Chair shall be, "Shall the ordinance be passed notwithstanding the objections of the Mayor?"]

**§ 42-253. Quorum; members; absent; City Marshal.**

[A.] In case [a less number] the Common Council shall convene with less than a quorum [of the Common Council shall convene] at any regular or special meeting; or, if, while any meeting is in progress, any less number than a quorum shall be present, the majority of the members [of such Common Council] present are authorized to send [the City Marshal, or any other person] a police officer for any or all absent members, as such majority of members shall agree.

[B. Such City Marshal or other person so authorized shall have power to arrest such absent member or members and detain him or them until discharged by the Common Council, and for any such neglect to attend, or a violation of any rule of this Council, or for disorderly conduct, such censure or pecuniary penalty or expulsion may be inflicted

as they may deem just, on those who shall render no sufficient excuse for their absence, or for violation of rule, or disorderly conduct.]

**[§ 42-254. Common Council members; violations; investigation; secret session.**

When any member of the Common Council shall be charged (which charge shall be in writing, and presented at a meeting of the Common Council) with any violation of any law or ordinance of said City, or resolution, rule or regulation of said Council, the matter shall be referred at said meeting to a committee of investigation of not fewer than five members. The member charged shall have the right to object to not more than two members named on said committee; and the member complaining or charging shall have the same privilege, and other members shall be appointed to fill vacancies thus created. The member charged shall be served with a copy of said charges and notice when said committee shall hear the same. The committee shall then investigate the charges pursuant to such notice, and report to the Council. When the report of any such committee of investigation shall be considered, the Council may order a secret session for that purpose.]

**[§ 42-255. Rules; altered, suspended or rescinded; procedures.**

No rule of this Council shall be altered, suspended or rescinded unless by a majority vote of all members elected, and no motion to alter, suspend or rescind any such rule shall be in order without the unanimous consent of the Council, unless notice thereof shall have been given at the previous regular meeting, and no motion to suspend shall embrace more than one rule or relate to any other subject than the one specified in said motion.]

**[§ 42-256. Proceedings of Council; Crosswell's Manual.**

The proceedings of this Council shall be governed by the rules as published in Crosswell's Manual, in all cases not provided for by the foregoing rules.]

**[§ 42-257. Resolutions; procedures on submitting.**

All resolutions shall be received by the President (or presiding officer), and submitted to the Council in the following order, viz.: from the Aldermen of the several wards as they are numbered in numerical order, commencing with the First Ward at the first regular

meeting in January and the following regular meeting commencing with the Nineteenth Ward, and in like manner so alternating at each session of the Council thereafter.]

**§ ~~42-227~~ [42-258]. Regular meetings; schedule.**

The regular official meetings of the Council shall be held on the first and third Mondays of each month. The Common Council [board] shall convene at 7:00 [8:00] p.m. Regular meetings of the Common Council may be changed by consent of the Council President, President Pro-Tempore and Majority Leader, when the regular meeting date falls on a holiday, religious or cultural observance. The public shall be notified of the new date as provided in the NYS Open Meetings Law.

**[§ 42-259. Duties of committees.**

A. The Committee on Academies and Schools shall consist of five members, whose duty it shall be to take into consideration all matters and things pertaining to the academies and schools relating to educational matters in said City as shall be referred to it.

B. The Committee on Accounts and Appeals shall consist of five members, whose duty it shall be to take into consideration all such accounts, claims and appeals as shall be referred to it.

C. The Committee on Applications to the Legislature shall consist of three members, whose duty it shall be to take into consideration and have charge of all statutes and amendments to same proposed or recommended by the Common Council for passage as shall be referred to it.

D. The Committee on Docks and Ferries shall consist of three members, whose duty it shall be to consider and report upon any subject relating to the occupancy and repairing of docks and ferries in said City, and such other matters connected therewith as may be referred to it.

E. The Fire Department Committee shall consist of three members, and its duty shall be to consider and report upon all matters connected with the Fire Department of the City of Albany, the good government and management, efficiency and expense thereof.

F. The Land Committee shall consist of three members, and its duty shall be to consider and report upon any proposed leasing or sale of any City property; and, subject to the special instruction and direction of the Common Council, conduct the leasing or sale of said City property.

G. The Law Committee shall consist of three members, who shall be members of the Council, and, with the Corporation Counsel, form the Law Department, according to law and the rules and ordinances of the Common Council.

H. The Committee on Levels shall consist of three members. Its duty shall be to consider and report upon any proposition to establish or change any level or grade of any street, sidewalk or alley in said City.

I. The Market Committee shall consist of three members, and its duty shall be to consider and report upon any subject connected with the public market of said City, and the regulation and government of the same.

J. The Committee on Navigation, Trade and Commerce shall consist of three members. Its duty shall be to consider and report upon all matters connected with the navigation of the Hudson River and the Erie Canal, and the trade and commerce thereof or connected therewith, and such other matters as may be referred to it.

K. The Police Committee shall consist of three members, and its duty shall be to examine and report upon all matters connected with the police of said City, including its efficiency and expense.

L. The Printing Committee shall consist of three members, and its duty shall be to examine and report upon all matters connected with the printing and stationery authorized by law or the Common Council.

M. The Committee on Privileges and Elections shall consist of three members, and its duty shall be to examine and report upon all matters referred to it pertaining to the privileges and conduct of the members of the Common Council, under any rule of said Common Council or law of the state; to examine all questions growing out of elections in said City and all questions arising on the election and appointment of any City officer or member of said Common Council.

N. The Committee on Public Buildings shall consist of five members, and its duty shall be to take into consideration and report upon all matters relating to the keeping in order and keeping in repair all public buildings and their furniture and appurtenances, except as otherwise provided either by law, ordinance or resolution.

O. The Committee on Public Celebrations and Entertainments shall consist of seven members, and it shall have the charge and management of all public celebrations and entertainments authorized by the Common Council; and all matters arising out of or relating thereto shall, when referred to it, be duly considered and reported by it.

P. The Railroad Committee shall consist of five members, and its duty shall be to consider and report upon all matters referred to it relating to the railroad corporations; to be careful and vigilant in requiring said corporations to fulfill their compacts with the City; and that the rights of the City and citizens be duly protected; and to report to the Common Council thereon whenever deemed expedient by said Committee or required by said Common Council.

Q. The Committee on Relations of City and County shall consist of three members, and its duty shall be to consider and report upon all matters referred to it.

R. The Street Committee of the Northern, Southern and Western Sections shall consist of three members each, and its duty shall be to consider and report upon all matters, referred to it relating to the streets, sewers, cesspools, etc., in their respective sections, including the propriety of the change or repair of pavement, or the relaying of sidewalks and carriageways, and the construction or repairing of sewers and cesspools.

(1) The Northern Section embraces all that portion of the City north of the north line of State Street and east of the east line of Eagle Street, and the continuation of said east line of Eagle Street to the south line of Clinton Avenue, and all north of the south line of Clinton Avenue.

(2) The Southern Section embraces all that portion of the City south of the north line of State Street and east of the east line of Eagle Street, including that portion of the late Town of Bethlehem.

(3) The Western Section embraces all that portion of the City west of the east line of Eagle Street and south of the south line of Clinton Avenue.

S. The Water Committee shall consist of five members, and its duty shall be to consider and report upon all communications and resolutions and other matters connected with the City water of said City, or communication relating to the same coming from the Commissioner of Public Works.]

**[§ 42-260. Public hearings; publication; Mayor.**

Whenever a local law after its passage by the Common Council of the City of Albany shall be presented to the Mayor for approval he shall forthwith fix a date for a public hearing concerning such local law, and cause public notice of the time and place of such hearing to be given. Such notice shall be given by publication for two successive days in the official newspaper or newspapers. Such hearing shall be held not earlier than five days after the day of the last publication of such notice. Such notice shall contain the title of the local law and an explanatory statement concerning the same. The Mayor shall attend at the time and place appointed for such hearing and afford an opportunity for a public hearing concerning such local law. Such hearing may be adjourned from time to time but an adjournment shall not operate to extend the time of the Mayor to approve such local law or return it to the Common Council with his objections pursuant to the City Home Rule Law.]

**[§ 42-261. Inventory of property; report to Council; City Treasurer.**

It shall be the duty of every City officer, board or commission having in his or its charge any City property to report to the Common Council annually, at the close of the fiscal year, an inventory of the property so held, setting its actual and just value, a copy of which inventory shall also be filed by said City officer, board or commission with the City Treasurer.]

**Section 2. Section 42-148 of Article XX of Chapter 42 of the Code of the City of Albany is hereby amended as follows:**

§ 42-148. Meetings; [Mayor] minutes.

The regular meetings of said Board shall be held at its office on the first and third Tuesdays of each month, at such hour as may be fixed by the Board. Special meetings of said Board shall be held at any time upon the call of the Mayor. The minutes of each meeting shall be distributed to each member of the Board, the Common Council, and to each department head within two weeks of each meeting. At the end of the year the minutes shall be indexed and maintained in a separate binder.

**Section 3. Section 42-183 of Article XXIV of Chapter 42 of the Code of the City of Albany is hereby amended as follows:**

§ 42-183. Power and authority; minutes.

A. The Board of Estimate and Apportionment of the City of Albany shall have power and authority to increase the salary or compensation of any City employee at any time during any fiscal year of the City, either before or after the appointment of any such employee, whether or not such salary or compensation shall previously have been fixed or provided for in the budget of said City for said fiscal year. Any such increases which the Board of Estimate and Apportionment may make after the adoption of the budget for any fiscal year of the City and which shall become effective during said fiscal year may be paid from any available funds or accounts as said Board shall determine. When the salary of the Corporation Counsel or the City Engineer is under consideration by the Board of Estimate and Apportionment, the Treasurer shall temporarily take the place on said Board of either of said members whose salary is under consideration.

B. The minutes of each meeting shall be distributed to each member of the Board, the Common Council, and to each department head within two weeks of each meeting. At the end of the year the minutes shall be indexed and maintained in a separate binder.

**Section 4. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**TO: John Marsolais, City Clerk**

**FROM: Richard Conti, Council Member**

**RE: Request for Common Council Legislation  
Supporting Memorandum**

**DATE: January 28, 2011**

**ORDINANCE NUMBER 4.21.11**

**TITLE: AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMMON COUNCIL OPERATING PROCEDURES**

**GENERAL PURPOSE OF LEGISLATION:** To update the city code provisions concerning the operation of the Common Council to reflect current practice.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:** This ordinance is necessary in order to update the current code to reflect the actual practice of the Common Council and to remove outdated provisions. The changes are detailed as follows:

Section 42-223: This new language sets forth the purpose of the code article as setting forth the basic operating procedures of the council and authorizes the use of the “Rules of Procedure” which are more detailed operating procedures.

Section 42-224: These amendments remove the outdated requirements of binding the minutes. It requires merely that the minutes comply with NYS law and authorizes the council to set forth requirements in its rules of procedure.

Section 42-225: Gender neutral and clarifying language is added.

Sections 42-226 - 228: These sections are removed as they have been updated and included in the rules of procedures for several years now.

New section 42-226: The amendments allow notice for special meetings by fax or email in addition to regular mail.

Sections 42-230 - 232: These sections are removed as they have been updated and included in the rules of procedures for several years now.

Section 42-233: The procedure for executive session is contained in state law so this section is removed.

Sections 42-234 - 257: These sections are removed as they have been updated and included in the rules of procedures for several years now.

Section 42-227: This section is amended to reflect current practice.

Sections 42-259 – 42-260: These sections are removed as they have been updated and included in the rules of procedures or state law for several years now.

**FISCAL IMPACT:** None.

**Council Member Rosenzweig introduced the following:**

**Ordinance Number 5.21.11**

**AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF ALBANY BY ADDING THERETO A NEW PART 38 TO BE ENTITLED: "PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT COMMITTEE"**

**The City of Albany, in common Council convened, does hereby ordain and enact:**

**Section 1. Chapter 42 of the Code of the City of Albany is hereby amended to add a new part, to be known as Part 38, as follows:**

**PART 38  
PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT  
COMMITTEE "PEGAOC" OF THE CITY OF ALBANY  
Article XLIX  
GENERAL PROVISIONS**

**§ 42-373. Legislative findings.**

A. The City of Albany negotiated a certain Franchise Agreement with Time Warner Cable (hereinafter "TWC"). Pursuant to Section 10 of said Franchise Agreement, TWC shall:

(1) provide the City with access channel(s) designated for non-commercial public, educational, and governmental use (otherwise known as "PEG" access), as required by Part 895.4 of the New York State Public Service Commission ("PSC") rules on cable television; and

(2) provide to the City funding for equipment as described in Appendix A of the Franchise Agreement. This equipment will be used exclusively for the production of PEG access programming or in connection with course work or other training intended to provide students with editing; programming; multimedia or similar skills which may be used in PEG programming production.

B. The Mayor and the Common Council find and declare that it is in the public interest of the citizens of the City of Albany to establish a Committee to oversee implementation of PEG access, the cable television public access facility/studio in the City of Albany and to promote public awareness of public access in the City.

C. Notwithstanding section 42- 377 (Meetings) of this Part it is the expectation of the Mayor and the Common Council that the PEGAOC shall meet on an at least monthly basis during Phase I implementation of the Franchise Agreement.

**§ 42-374. Public, Education and Government Access Oversight Committee "PEGAOC" established.**

There is hereby created a City of Albany Cable Television Public, Education and Government Access Oversight Committee (hereinafter referred to as the "PEGAOC") for the purpose of overseeing the cable television public access facility/studio in the City of Albany and general implementation of PEG access.

**§ 42-375. Purpose; Scope of authority.**

The purpose of this legislation is to create an oversight body that shall:

- A. Assist in the development of public, education and government access television in the City including by promoting the use of the public studio to citizens and groups throughout the City.
- B. Oversee the cable television public access facility/studio and assist the Public Access Coordinator, whom shall be responsible for the day to day operation of the public access facility/studio.
- C. Review memorandums of understanding between the city and relevant entities to assure implementation of PEG access.
- D. Make recommendations on the success of the programs in Phase I of PEG funding and based upon said findings make recommendations for expenditures of Phase II funding.

**§ 42-376. Membership; term; compensation; vacancies; quorum.**

A. The "PEGAOC" shall be composed of eleven voting members, four of whom shall be appointed by the Common Council and two of whom shall be appointed by the Mayor. The term of each member so appointed shall be three years; provided, however, that of the initial members two appointed by the Common Council shall serve for a one year term; one appointed by the Common Council and one appointed by the Mayor shall serve for a two year term; and one appointed by the Common Council and one appointed by the Mayor shall serve for a three year term. The remaining members of the Committee shall be composed of the following: one representative from the Albany City School District; one representative from the College of Saint Rose; one representative from the New School of Radio and Television; one representative from the Capitalize Albany Corporation; and one representative from the host location of the public access facility/studio.

B. The six members appointed by the Common Council and the Mayor shall be residents of the City of Albany and possess knowledge and interest in promoting public access cable television in the City of Albany. In making such appointments, the

Common Council and Mayor shall endeavor to reflect the community diversity of the City of Albany.

C. The Mayor shall have the authority to designate one of the voting members as the initial Chairperson to serve for a term of one year; thereafter members of the "PEGAOC" shall annually elect a chairperson and such other officers as may be determined by the "PEGAOC".

D. Members of the "PEGAOC" shall serve without compensation. Vacancies shall be filled in the same manner as the predecessor to fill the unexpired term.

E. Six members of the "PEGAOC" shall constitute a quorum. Action cannot be taken without a minimum of six concurring votes of the membership.

#### **§ 42-377. Meetings.**

The "PEGAOC" shall meet no less than quarterly for the purpose of conducting any business necessary to the operation of the "PEGAOC". The "PEGAOC" may meet at such additional times and places as deemed necessary by its members, or on the call of the Chairperson. All meetings of the "PEGAOC" shall be held in accordance with Article 7 of the New York State Public Officers Law (Open Meetings Law) and shall provide a reasonable opportunity for public comment in accordance with rules and guidelines adopted by the "PEGAOC".

#### **§ 42-378. Public Outreach.**

The "PEGAOC" shall prepare an informational pamphlet on, and regularly publicize, the mission and purpose of the "PEGAOC".

#### **§ 42-379. Annual Report.**

The "PEGOAC" shall report annually on or before February first to the Common Council regarding its activities and performance, including recommendations, if any, to the Mayor and the Common Council.

#### **§ 42-380. Severability.**

If any clause, sentence, paragraph, sections or part of this ordinance be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 2. This ordinance shall be effective upon passage and ratification of the Franchise Agreement by the Common Council, Mayor and approval of the Public Service Commission (PSC).**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**To: John Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: January 28, 2011**

**ORDINANCE NUMBER 5.21.11**

**TITLE**

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF ALBANY BY ADDING THERETO A NEW PART 38 TO BE ENTITLED: "PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT COMMITTEE"

---

**GENERAL PURPOSE OF LEGISLATION**

To created a committee for the purpose of overseeing the cable television public access facility/studio in the City of Albany and general implementation of PEG access

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

The creation of this committee requires legislative approval.

---

***EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE***

N/A

---

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

---

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

---

**FISCAL IMPACT(S)**

UNKNOWN AT THIS TIME

---

**Council Member Sano introduced the following:**

**Ordinance Number 6.21.11**

**AN ORDINANCE AMENDING ORDINANCE 53.42.10 REGARDING THE ESTIMATED COST AND AMOUNT OF BONDS FOR THE CAPITAL IMPROVEMENT OF WESTLAND HILLS PARK**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. Section 1 of Ordinance 53.42.10 is hereby amended to read as follows:**

**Object or Purpose: Artificial swimming pools.  
Local Finance Law Section 11.00(a) Subparagraph 61  
Period of Probable Usefulness: 15 years  
Maximum Term of Obligations: 15 years  
Maximum Estimated Cost: ~~[\$125,000.00]~~ \$205,000.00  
Maximum Amount of Bonds: ~~[\$125,000.00]~~ \$205,000.00  
Treasurer's Bond Authorization Numbers: Y-10  
Treasurer's Project Numbers: GH 71108026**

**Section 2. Section 2 of Ordinance 53.42.10 is hereby amended to read as follows:**

**The plan of financing such objects or purposes is the issuance of ~~[\$125,000.00]~~ \$205,000.00 serial bonds hereby authorized to be issued.**

**Section 3. Except as herein amended, Ordinance 53.42.10 is hereby ratified, continued and approved.**

**Section 4. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**To: John C. Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: January 28, 2011**

**ORDINANCE NUMBER 6.21.11**

**TITLE**

AN ORDINANCE AMENDING ORDINANCE 53.42.10 REGARDING THE ESTIMATED COST AND AMOUNT OF BONDS FOR THE CAPITAL IMPROVEMENT OF WESTLAND HILLS PARK

---

---

**GENERAL PURPOSE OF LEGISLATION**

To increase the original amount of bonding associated with the project in Westland Hills Park. Per the Treasurer's Office request, amending the previous ordinance rather than having two separate ordinances for one project is the appropriate method.

---

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Since the ordinance was already passed these amendments are necessary.

---

---

**FISCAL IMPACT(S)**

Increasing the original bond authorization from \$125,000 to \$205,000.

---

---

Council Member Sano introduced the following:

**Ordinance Number 7.21.11**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,400,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,400,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION)**

The City of Albany, in Common Council convened, does hereby ordain and enact:

**Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.**

**Object or Purpose: Highway, roads, streets, parkways and parking areas.**

**Local Finance Law Section 11.00(a) Subparagraph 20(c)**

**Period of Probable Usefulness: 15 years**

**Maximum Term of Obligations: 15 years**

**Maximum Estimated Cost: \$2,400,000.00**

**Maximum Amount of Bonds: \$2,400,000.00**

**Treasurer's Bond Authorization Numbers: B-11**

**Treasurer's Project Numbers: GH 50108102**

**Section 2. The plan of financing such objects or purposes is the issuance of \$2,400,000.00 serial bonds hereby authorized to be issued.**

**Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.**

**Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.**

**Section 5.** The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 6.** Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

**Section 7.** The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**Section 8.** The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

**Section 9.** The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 10.** Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

**Section 11.** It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

**Section 12.** This ordinance shall be dated February 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**APPROVED AS TO FORM**  
**January 28, 2011**

---

**Corporation Counsel**

**Council Member Sano introduced the following:**

**Ordinance Number 8.21.11**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION)**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.**

**Object or Purpose: Curbs, sidewalks and gutters.  
Local Finance Law Section 11.00(a) Subparagraph 24  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$480,000.00  
Maximum Amount of Bonds: \$480,000.00  
Treasurer's Bond Authorization Numbers: C-11  
Treasurer's Project Numbers: GH 50108103**

**Section 2. The plan of financing such objects or purposes is the issuance of \$480,000.00 serial bonds hereby authorized to be issued.**

**Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.**

**Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.**

**Section 5.** The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 6.** Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

**Section 7.** The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**Section 8.** The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

**Section 9.** The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 10.** Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice

**in substantially the form set forth in section 81.00 of the New York Local Finance Law.**

**Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.**

**Section 12. This ordinance shall be dated February 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

Council Member Sano introduced the following:

**Ordinance Number 9.21.11**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$205,000.00 AND AUTHORIZING THE ISSUANCE OF \$205,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE)**

The City of Albany, in Common Council convened, does hereby ordain and enact:

**Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.**

**Object or Purpose: Curbs, sidewalks and gutters.  
Local Finance Law Section 11.00(a) Subparagraph 24  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$205,000.00  
Maximum Amount of Bonds: \$205,000.00  
Treasurer's Bond Authorization Numbers: D-11  
Treasurer's Project Numbers: GH 50108104**

**Section 2. The plan of financing such objects or purposes is the issuance of \$205,000.00 serial bonds hereby authorized to be issued.**

**Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.**

**Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.**

**Section 5.** The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 6.** Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

**Section 7.** The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**Section 8.** The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

**Section 9.** The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 10.** Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice

**in substantially the form set forth in section 81.00 of the New York Local Finance Law.**

**Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.**

**Section 12. This ordinance shall be dated February 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**Council Member Sano introduced the following:**

**Ordinance Number 10.21.11**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY HALL IMPROVEMENTS)**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.**

**Object or Purpose: Additions to or conversion of buildings.**

**Local Finance Law Section 11.00(a) Subparagraph 12(2)**

**Period of Probable Usefulness: 15 years**

**Maximum Term of Obligations: 15 years**

**Maximum Estimated Cost: \$300,000.00**

**Maximum Amount of Bonds: \$300,000.00**

**Treasurer's Bond Authorization Numbers: E-11**

**Treasurer's Project Numbers: GH 14408105**

**Section 2. The plan of financing such objects or purposes is the issuance of \$300,000.00 serial bonds hereby authorized to be issued.**

**Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.**

**Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.**

**Section 5.** The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 6.** Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

**Section 7.** The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**Section 8.** The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

**Section 9.** The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.**

**Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.**

**Section 12. This ordinance shall be dated February 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**Council Member Golby introduced the following:**

**Ordinance Number 2.21.11**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF  
A PORTION OF YATES STREET IN THE CITY OF ALBANY**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. It is hereby ordered and directed that the portion of Yates Street north of Partridge Street to the southern edge of Rear 936-958 Madison Avenue (Tax Map #64.68-2-72), measuring approximately 66 feet in width by 330 feet in length, be discontinued and closed.**

**Section 2. It is hereby determined that the aforesaid right-of-way has been abandoned for municipal or public purposes.**

**Section 3. The form, content and description of the right-of-way to be closed shall be approved by the Corporation Counsel.**

**Section 4. This ordinance shall take effect immediately after public hearing and final passage.**

**APPROVED AS TO FORM  
January 28, 2011**

---

**Corporation Counsel**

**To: John C. Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: January 28, 2011**

**ORDINANCE NUMBER 2.21.11**

**TITLE**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF YATES STREET IN THE CITY OF ALBANY**

---

**GENERAL PURPOSE OF LEGISLATION**

**TO CLOSE AND DISCONTINUE THE PORTION OF YATES STREET NORTH OF PARTRIDGE STREET TO THE SOUTHERN EDGE OF REAR 936-958 MADISON AVENUE. IF AUTHORIZED THE LAND WOULD BE SOLD TO THE COLLEGE OF SAINT ROSE TO FACILITATE NEW CONSTRUCTION THE CAMPUS.**

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW CLOSING AND DISCONTINUANCE OF RIGHT-OF WAYS REQUIRES LEGISLATIVE AUTHORIZATION.**

---

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE AS SOON AS PRACTICABLE AFTER A PUBLIC HEARING.**

---

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**  
N/A

---

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**  
N/A

---

**FISCAL IMPACT(S)**  
N/A

---

**Council Member Golby introduced the following:**

**Ordinance Number 3.21.11**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the property known as Rear 936-958 Madison Avenue (Tax Map #64.68-2-72) and the abandoned portion of Yates Street north of Partridge Street be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the College of Saint Rose.**

**SUBJECT to all easements, restrictions and rights-of-way of record.**

**Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.**

**Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.**

**Section 4. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM**

**January 28, 2011**

---

**Corporation Counsel**

**To: John Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: January 28, 2011**

**ORDINANCE NUMBER 3.21.11**

**TITLE**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE**

---

**GENERAL PURPOSE OF LEGISLATION**

**TO AUTHORIZE THE SALE OF APPROXIMATELY .8 ACRE TO SAINT ROSE. THE COLLEGE IS PROPOSING TO BUILD A DORM AND ACCESSORY PARKING LOT ON THE PROPERTY IF THE COUNCIL AUTHORIZES THE SALE.**

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**  
**CONVEYANCE OF MUNICIPAL PROPERTY REQUIRES LEGISLATIVE AUTHORIZATION.**

---

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**  
**N/A**

---

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**  
**N/A**

---

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**  
**SAINT ROSE IS AVAILABLE TO COME BEFORE THE COUNCIL TO EXPLAIN THE PROJECT.**

---

**FISCAL IMPACT(S)**  
**TO BE DETERMINED**

---

**Council Member Conti introduced the following:**

**Resolution Number 4.21.11R**

**RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE CITY OF ALBANY REAPPORTIONMENT COMMISSION IN ACCORDANCE WITH SECTION 406 OF THE CHARTER OF THE CITY OF ALBANY**

**WHEREAS**, Section 406 of the Charter of the City of Albany requires the Common Council to appoint a Reapportionment Commission within six months after the publication of each federal decennial census to evaluate existing ward boundaries for equity and representation in relation to the population; and

**WHEREAS**, the Reapportionment Commission is to include City residents in such proportion as to reasonably reflect the demographic composition of the City, together with such other expert and official representatives as shall be deemed necessary and appropriate; and

**WHEREAS**, the Reapportionment Commission shall review the population data from the 2010 Federal Decennial Census and within six months after appointment make recommendations, if necessary, in the form of a proposed local law as to changes in ward boundaries for the City of Albany; and

**WHEREAS**, in its deliberations the Commission shall consider the application of the “one person, one vote” concept and the equal protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, Sections I and II of the New York State Constitution; and

**WHEREAS**, the Commission shall work to obtain maximum public participation in its deliberations through use of public notices and public hearings.

**NOW, THEREFORE BE IT RESOLVED**, that in accordance with Section 406 of the Charter of the City of Albany, the Common Council does hereby establish a City of Albany Reapportionment Commission to be comprised of seven (7) members appointed by the Common Council in accordance with procedures utilized by the Common Council for making appointments to boards, commissions and authorities.

**SUPPORTING MEMORANDUM  
RESOLUTION NUMBER 4.21.11R  
Introduced at February 7, 2011 Council Meeting**

**TITLE:**

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE CITY OF ALBANY REAPPORTIONMENT COMMISSION IN ACCORDANCE WITH SECTION 406 OF THE CHARTER OF THE CITY OF ALBANY

**SPONSOR:**

Council Member Conti

**PURPOSE:**

To establish a Reapportionment Commission in accordance with Section 406 of the City of Albany Charter.

**SUMMARY:**

Provides for the establishment of a seven (7) member Reapportionment Commission with the charge set forth in Section 406 of the City of Albany Charter.

**JUSTIFICATION:**

The City of Albany Charter requires a Reapportionment Commission be appointed within six (6) months after publication of the 2010 Census numbers. Publication of local numbers is expected in February, this resolution is necessary to establish the commission, its membership and charge.

**FISCAL IMPLICATIONS:**

There will be administrative costs related to reapportionment.

**EFFECTIVE DATE:**

Immediate.

**Council Members Fahey and Calsolaro introduced the following:**

**Resolution Number 5.21.11R**

**RESOLUTION PROMOTING LOCAL AND REGIONAL FOOD SYSTEM INITIATIVES WITHIN THE CITY OF ALBANY**

**WHEREAS**, the City of Albany is developing a comprehensive plan for the future of Albany, *Albany 2030*, that emphasizes the importance of sustainable resources, development and land use; and

**WHEREAS**, food is a basic necessity and resource, and Albany's food system must be sustainable to ensure the health and well being of all residents now and in the future; and

**WHEREAS**, "food system" refers to the agents, institutions and processes that link food producers and food consumers; and

**WHEREAS**, the amount of energy expended in a food system through production, processing, transportation and disposal, is indicative of its level of sustainability; and

**WHEREAS**, food that is produced and consumed locally requires less energy as opposed to food that is not produced locally and uses non-renewable fossil fuels to a degree that is unsustainable; and

**WHEREAS**, reliance on food that is not produced locally is an issue of "food security", placing Albany residents at risk if food could not be produced and/or transported from far distances; and

**WHEREAS**, institutional and residential food waste is upwards of 19% of the solid waste stream in Albany and is currently landfilled, with plans being developed to institute more sustainable solutions that include composting and reduction of food waste; and

**WHEREAS**, improving and fostering local and regional food systems not only has environmental benefits but, also, financial, social and health benefits; and

**WHEREAS**, money spent on food at community based restaurants, markets and other food venues has a greater impact on the local economy because a larger percentage of the profits stay local; and

**WHEREAS**, some Albany residents cannot easily access or afford fresh and healthy foods; and

**WHEREAS**, community gardens, community kitchens, farmers markets, small grocers, and individual family food production and backyard gardening are local alternatives that can improve residents' ability to afford and/or access fresh and healthy foods; and

**WHEREAS**, providing incentives for smaller scale, local food based businesses to develop, such as, small food processors, small-scaled butcher shops, fish farms and fish mongers, would encourage local food production and consumption, and create employment opportunities; and

**WHEREAS**, the community-building that occurs when people work together to produce food is a distinct social benefit; and

**WHEREAS**, increased access to fresh and healthy food will help to reduce diet related health problems such as obesity, malnutrition, chronic diseases and the associated financial costs.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany encourages the City to actively assess and make recommendations to mitigate aspects of food production and consumption that hinder food sustainability.

**BE IT FURTHER RESOLVED**, that the City of Albany Common Council will advance legislation and policy initiatives to strengthen our local and regional food system in ways that include:

- Increasing residents' opportunities to purchase, grow and produce healthy food;
- Supporting the development of smaller scaled business opportunities;
- Improving the distribution of locally and regionally produced food;
- Ensuring that low income communities have increased access to affordable, healthy food;
- Reducing food in the waste stream.

**TO:** John Marsolais, City Clerk  
**FROM:** Cathy Fahey and Dominick Calsolaro, Council Members  
**RE:** Request for Common Council Legislation Supporting Memorandum  
**DATE:** January 28, 2011

**RESOLUTION NUMBER 5.21.11R**

**TITLE:** RESOLUTION PROMOTING LOCAL AND REGIONAL FOOD SYSTEM INITIATIVES WITHIN THE CITY OF ALBANY

**GENERAL PURPOSE OF LEGISLATION:** To encourage the creation of a sustainable food system that will benefit Albany residents.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:** To support food sustainability initiatives that are fiscally responsible, reduce our reliance on fossil fuels, reduce waste and improve the health and quality of life of all residents.

**FISCAL IMPACT:** None.

**Council Members Calsolaro, Conti, Herring, Konev and Smith introduced the following:**

**Resolution Number 6.21.11R**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING ENACTMENT OF H.R. 308 TO PROHIBIT THE TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES**

**WHEREAS**, large capacity magazines can hold from 10 to 100 rounds of ammunition and because of their ability to hold so many rounds, significantly increase the lethality of the automatic and semi-automatic firearms using them; and

**WHEREAS**, semi-automatic pistols with the capability to hold large capacity magazines are a relatively new phenomenon and sales of semi-automatic weapons now outsell revolvers; and

**WHEREAS**, semi-automatic pistols with large capacity magazines have become the gun of choice in mass shootings including those that occurred in Tucson, Arizona, Columbine High School, Virginia Tech, Fort Hood, Texas and the Pettit & Martin Law Offices in San Francisco; and

**WHEREAS**, there was a federal law that banned these large capacity magazines which was allowed to sunset in 2004 despite overwhelming public support for the ban; and

**WHEREAS**, on January 18, 2011, in the wake of the shootings in Tucson, Arizona of Representative Gabrielle Giffords and others, Representative Carolyn McCarthy introduced legislation to ban large capacity ammunition magazines that can accept more than 10 rounds.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Albany Common Council expresses its support for H.R. 308 and a ban on the transfer or possession of large capacity ammunition feeding devices.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be transmitted to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

**TO:** John Marsolais, City Clerk  
**FROM:** Council Members Calsolaro, Conti, Herring, Konev and Smith  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** January 28, 2011

**RESOLUTION NUMBER 6.21.11R**

**TITLE:** RESOLUTION OF THE COMMON COUNCIL SUPPORTING ENACTMENT OF H.R. 308 TO PROHIBIT THE TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES

**GENERAL PURPOSE OF LEGISLATION:** To officially express the support of the Albany Common Council.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:**

The tragic mass shooting in Tuscon, Arizona left six dead and thirteen wounded, including Congresswoman Gabrielle Giffords. We must stand together to take common sense steps to prevent similar tragedies. The Arizona shooter used a handgun equipped with a large capacity ammunition magazine capable of holding 33 bullets, which enabled him to cause so much devastation in a matter of moments. Only when the shooter finally had to reload were brave individuals able to tackle him and end the bloodshed. Congresswoman Carolyn McCarthy has introduced [H.R. 308](#), which would prohibit the possession or sale of large capacity ammunition magazines.

**FISCAL IMPACT:** None.

**Council Member Jenkins-Cox offered the following at the request of Common Council President McLaughlin:**

**Resolution Number 7.21.11R**

**RESOLUTION COMMEMORATING BLACK HISTORY MONTH 2011  
AND HONORING THE EXTRAORDINARY CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE NATION AND THE CITY OF ALBANY**

**WHEREAS**, African-Americans have provided much labor, intellect, creativity, strength and leadership that has made the United States of America a great place to live and a leader in the attainment of freedom and justice in the modern world; and

**WHEREAS**, African-Americans have also supplied much of the labor, intellect, creativity, strength and leadership that built the City of Albany and its many neighborhoods and communities since colonial times and played a major role in the justice and freedom seeking activities of the Underground Railroad; and

**WHEREAS**, the extraordinary role of African-Americans in the nation as a whole and Albany in particular has too often been overlooked by both well-meaning individuals and those blinded by the legacy of racism left in the wake of our nation's history of slavery and bondage; and

**WHEREAS**, despite the many obstacles placed in the way of generations of African-Americans, they have proven their ability to keep the dream of freedom and racial justice alive by constantly striving to overcome those who would limit their educational and economic opportunities by restricting their choices and limiting their options through the use of Jim Crow laws, poll taxes and other restrictions; and

**WHEREAS**, the sacrifices and successes of those many generations of African-Americans led to the establishment of churches known for their religious leadership, the founding of historically black colleges and universities responsible for educating millions throughout the nation, entrepreneurs who have created thousands of jobs, and the flourishing of a rich cultural and artistic heritage that has contributed greatly to our nation and beyond; and

**WHEREAS**, efforts to restrict the rights of African-Americans have continued to this day and the struggle against racism remains a crucial battle throughout our nation generally and the City of Albany specifically that is directly relevant to our communities; and

**WHEREAS**, the intellect, creativity and leadership of African-Americans throughout the City of Albany's history remains a largely untold story and it is important for all residents of our City to become familiar with it; and

**WHEREAS**, Black History Month celebrations raise awareness and have proven to be valuable tools in drawing attention to contributions made by African-Americans to the United States; and

**WHEREAS**, it is important for the Common Council, as the legislative body that represents all residents of the City of Albany to commemorate the valuable contributions of African-Americans to the city and the nation; and

**WHEREAS**, the 4<sup>th</sup> Ward nominates and honors Alberta Chambliss. Ms. Chambliss moved to Albany from New York City in 2002 and has been a resident of Arbor Hill since 2003. In the relatively short time that Ms. Chambliss has lived in Albany, she has contributed much to the well being and quality of life of her neighborhood. Ms. Chambliss energetically and generously gives of herself and is a highly effective leader in the community. Ms. Chambliss arrived here as a displaced homemaker and immediately began to participate in training programs offered by the Albany Housing Authority in order to enhance her job skills. Ms. Chambliss went on to earn an Associate's degree in accounting from Hudson Valley Community College where she was the recipient of a Diversity Scholarship. She currently utilizes her training in her position with the New York State Tax Department and she has also worked for the New York State Health Department and the Department of Corrections. Ms. Chambliss has conveyed the importance of education and a strong work ethic to her four children. Three of them have earned Bachelor's or Associate's degrees. Her youngest daughter will receive her Associate's degree in May of this year. In 2003 Ms. Chambliss moved to Ida Yarbrough and became a member of the Tenants Association. In June of 2003 she accepted the responsibility of serving as president of the association for the low rise and was in that position through 2004. Ms. Chambliss's civic involvement has included volunteering for several political campaigns, working with Citizen Action, and mentoring students at Philip Livingston Magnet Academy. In 2009 Ms. Chambliss's neighbors begged her to get involved again in the Ida Yarbrough Tenants Association which by that time had consolidated both the high rise and low rise organizations. She is currently the president of the Tenants Association. Under her leadership the community store at Ida Yarbrough has reopened and since October 2010 there has been a well organized Tenants Patrol which works with the Albany Housing Authority and the Albany Police Department to maintain safety and improve quality for residents of Ida Yarbrough. Ms. Chambliss views her community involvement as a way of honoring the African American traditions of our ancestors. She works to instill a sense of self worth, pride, and collective responsibility. She works to help people to empower themselves. Ms. Chambliss believes that we have got to work together and states that she gets her reward when she sees the results. The results of her work have been significant. We are fortunate to have her as a resident of the Fourth Ward and the City of Albany, and

**WHEREAS**, the 5<sup>th</sup> Ward proudly nominates Robert Gibson as it's 2010 Black History Month honoree. Robert Gibson is a devoted husband to his wife Colleen Gibson; he has been married for twenty-five years. He is the father of 4 children, Javon Gibson, Rashonda Latimer and Robert Jr. Russell Gibson. He is the grandfather of five. Mr. Gibson has worked for the Albany City School District for the past thirteen years. He

enjoys fishing and uses this hobby to teach local youth that have never fished how to fish, proving to the kids that there is more out there than street violence. Mr. Gibson is a very good mechanic and enjoys working on cars. He is very committed to his community. He is a trailblazer and has always been helpful whenever organizing is needed for block events, informational tables and the like. Mr. Gibson does his part in making the community aware of the services that are available to them. In times of hardship, this man is known to gather local neighbors to find a way to bring peace and a sense of calm to the neighborhood.

**WHEREAS** the **6<sup>th</sup> Ward** recognizes the **“We Are Part of You”** campaign (also known as the **“I Am Gay”** campaign) which began December 6, 2010 and runs through February 28, 2011 and which is sponsored by In Our Own Voices, an organization dedicated to addressing the many needs of LGBT Communities of Color which is located in the 6<sup>th</sup> Ward at 245 Lark Street. The campaign is featured on billboards, CDTA buses and shelters in Albany, Schenectady, Rensselaer, and Montgomery Counties and depicts Black Gay Men in familial, religious, and recreational settings with the tag line: **“We have always been a part of this community. We are your sons, fathers, brothers, uncles, nephews, and friends. It's time to treat us with the love we deserve.”** The **“We Are Part of You”** campaign was initially launched in 2007 in New York City to address the rise in HIV cases among Black Gay Men (BGM) which were believed to be caused in part by the stigmatization of Homosexuality in the Black Community. As In Our Own Voices (IOOV) seeks to promote the health and well-being of Lesbian, Gay, Bisexual, and Transgender People of Color, they have brought this campaign to the Capital Region. According to In Our Own Voices, the **“We Are Part of You”** campaign **“... is about challenging the belief that our lives don't matter and aren't worth saving. It exposes and confronts homophobia, which we see in the form of inaction, silence and even violence. It interrupts that silence with a loud voice: Black gay men's lives matter!”**. While the campaign has met with some controversy, it is an important effort to address the social context that contributes to the rising rates of HIV among Black Gay Men who may be reluctant to be tested because of the stigma and bigotry they experience in their home communities. In Our Own Voices is to be commended and recognized for bringing this campaign and message to the Capital Region and for this reason we recognize the **“We Are Part of You”** campaign;

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany Common Council, acting on behalf of all the people of the City of Albany, hereby commemorates February 2011 as Black History Month, and pauses in its deliberation to honor the sacrifices and contributions made by African-Americans.

**BE IT FURTHER RESOLVED**, that the Common Council honors all of the nominees in recognition of their leadership, service, and contributions to civic life throughout the City of Albany.

**TO:** John Marsolais, City Clerk  
**FROM:** Jackie Jenkins-Cox, Council Member  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** January 27, 2010

**RESOLUTION NUMBER 7.21.11R**

**TITLE:** RESOLUTION COMMEMORATING BLACK HISTORY MONTH 2011  
AND HONORING THE EXTRAORDINARY CONTRIBUTIONS OF AFRICAN-  
AMERICANS TO THE NATION AND THE CITY OF ALBANY

**GENERAL PURPOSE OF LEGISLATION:** To honor the exceptional contributions  
of Albany's African-American citizens during the annual Black History Month  
Celebration and for the Albany Common Council to express its support for present and  
future efforts to move forward into the next millennium.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:**  
For the Albany Common Council to acknowledge the contributions and accomplishments  
of Albany's African-American community.

**FISCAL IMPACT:** None.