

ORDINANCES INTRODUCED

- 1.11.13 AN ORDINANCE AMENDING ORDINANCE 33.51.11 ENTITLED: “AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$325,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$325,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PUMPER TRUCK APPARATUS)” INCREASING THE MAXIMUM ESTIMATED COST AND AMOUNT OF THE BOND TO \$391,835**
- 2.11.13 AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY REPEALING ARTICLE VI (STREET IMPROVEMENTS) IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE VI IN RELATION TO COMPLETE STREETS**

RESOLUTIONS INTRODUCED

- 1.11.13R RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING ANDREW JOYCE TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD**
- 2.11.13R RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JOSEPH M. BONILLA TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD**
- 3.11.13R RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE FREEDOM FROM DOMESTIC VIOLENCE AS A FUNDAMENTAL HUMAN RIGHT**

Council Member Sano introduced the following:

Ordinance Number 1.11.13

AN ORDINANCE AMENDING ORDINANCE 33.51.11 ENTITLED: "AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$325,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$325,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PUMPER TRUCK APPARATUS)" INCREASING THE MAXIMUM ESTIMATED COST AND AMOUNT OF THE BOND TO \$391,835

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: Fire-fighting and apparatus

Local Finance Law Section 11.00(a) Subparagraph 27

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: [~~\$325,000.00~~] \$391,835

Maximum Amount of Bonds: [~~\$325,000.00~~] \$391,835

Treasurer's Bond Authorization Numbers: Q-11

Treasurer's Project Numbers: GH 34108118

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of [~~\$325,000.00~~] \$391,835 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 therefor. 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 leases or 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 leases or 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 leases or 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 leases or 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 issuer of the leases or the 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 leases or 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 or 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 May 19, 2008 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**APPROVED AS TO FORM
December 28, 2012**

Deputy Corporation Counsel

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: December 28, 2012

ORDINANCE NUMBER 1.11.13

TITLE

AN ORDINANCE AMENDING ORDINANCE 33.51.11 ENTITLED: "AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$325,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$325,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PUMPER TRUCK APPARATUS)" INCREASING THE MAXIMUM ESTIMATED COST AND AMOUNT OF THE BOND TO \$391,835

GENERAL PURPOSE OF LEGISLATION

The adopted 2011 Budget approved \$425,000 for a pumper truck for AFD. In 2011 AFD proposed using funds that had been previously bonded but not fully used for the purchase of this new pumper which would reduce the amount needed to be bonded in 2011. Between the time that the bond ordinance was passed and bids for the pumper were received by AFD, the accounts bonded previously were closed and subsequently the funds are no longer available for this pumper. AFD is requesting that the 2011 ordinance be amended to reflect the actual cost of the pumper, \$391,835.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Municipal bonding 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)

N/A.

FISCAL IMPACT(S)

An increase to the 2011 bond of \$66,835.

Council Members Golby, Calsolaro, Conti and Fahey introduced the following

Ordinance Number 2.11.13

AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY REPEALING ARTICLE VI (STREET IMPROVEMENTS) IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE VI IN RELATION TO COMPLETE STREETS

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

Section 1. Article VI of Chapter 323 of the Code of the City of Albany is hereby repealed in its entirety.

Section 2. Chapter 323 of the Code of the City of Albany is amended by adding new Article VI to be entitled “Complete Streets.”

Section 323-88. Legislative Findings.

The City of Albany Common Council finds that the mobility of freight and passengers and the safety, convenience, and comfort of motorists, cyclists, pedestrians – including people requiring mobility aids, transit riders, and neighborhood residents of all ages and abilities should all be considered when planning and designing Albany’s streets. Integrating sidewalks, bike facilities, transit amenities, and safe crossings into the initial design of street projects avoids the expense of retrofits later. Streets are a critical component of public space and play a major role in establishing the image and identity of a City. By encouraging good planning, more citizens will achieve the health benefits associated with active forms of transportation while traffic congestion and auto related air pollution will be reduced. The goal of this law is to improve the access and mobility for all users of streets in the community by improving safety through reducing conflict and encouraging non-motorized transportation and transit.

Section 323-89. Complete Street Design.

A. For all street construction, reconstruction, resurfacing or repaving projects that are undertaken by the City and not covered under the New York State Complete Streets Law contained in Section 331 of the Highway Law, the department planning such project shall consider the convenient access and mobility on the street by all users of all ages, including motorists, pedestrians, bicyclists, and public transportation users through the use of complete street design features in the planning, design, construction, reconstruction and rehabilitation.

B. Complete street design features are roadway design features that accommodate and facilitate convenient access and mobility by all users, including current and projected users, particularly pedestrians, bicyclists and individuals of all ages and abilities. These features may include, but need not be limited to: sidewalks, paved shoulders suitable for use by bicyclists,

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lane striping, bicycle lanes and improved bicycle parking and storage, share the road signage, street and sidewalk lighting, crosswalks or median refugees, road diets, pedestrian control signalization, bus pull outs and improved pedestrian access to bus stops, curb cuts, raised crosswalks and ramps and traffic calming measures; and recognize that the needs of users of the road network vary.

C. This section shall not apply if it has been determined and set forth in publicly available documents that one of the following exists:

(1) use by bicyclists and pedestrians is prohibited by law, such as within interstate highway corridors; or

(2) the cost would be disproportionate to the need as determined by factors including, but not limited to, the following: land use context; current and projected traffic volumes; and population density; or

(3) demonstrated lack of need as determined by factors, including, but not limited to, land use, current and projected traffic volumes, including population density, or demonstrates lack of community support; or

(4) use of the design features would have an adverse impact on, or be contrary to, public safety.

Section 323-89. Reporting requirements.

A. During the planning phase of all construction, reconstruction, resurfacing or repaving projects, the Department of General Services shall provide notice to the following constituencies: regional planning organizations, public transit operators, affected business improvement districts, affected neighborhood organizations, the Department of Development and Planning and the Common Council member representing the affected ward. Written comments shall be allowed within 30 days of the notice.

B. No later than two years after the effective date of this law and biannually thereafter, the Department of General Services shall publish a report showing how it has complied with this Article and improvements made to the roadways of the City.

Section 3. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
December 28, 2012**

Deputy Corporation Counsel

Matter in ~~strike through~~ to be deleted. Matter underlined is new material.

TO: Nala Woodard, City Clerk
FROM: Leah Golby, Council Member
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: December 28, 2012

ORDINANCE NUMBER

TITLE: AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY REPEALING ARTICLE VI (STREET IMPROVEMENTS) IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE VI IN RELATION TO COMPLETE STREETS

GENERAL PURPOSE OF LEGISLATION: This ordinance adopts a “Complete Streets” program for the City of Albany requiring that roadwork be planned to consider all users of City streets and not just automobiles. It is consistent with Albany 2030, the City’s Comprehensive Plan which references “Complete Streets.”

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This legislation insures that complete street design principles are utilized throughout our City. In 2011, Governor Cuomo signed similar legislation that applies to all City projects that are funded with state and federal dollars. This legislation expands the New York State law to cover all road projects of the City.

FISCAL IMPACT: Dependent upon the number of street projects per year.

Council Member Rosenzweig introduced the following:

Resolution Number 1.11.13R

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING ANDREW JOYCE TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board (“PEGAOB”).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby re-appoints Andrew Joyce to the PEGAOB for a three (3) year term expiring July 1, 2015.

Council Member Rosenzweig introduced the following:

Resolution Number 2.11.13R

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JOSEPH M. BONILLA TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board (“PEGAOB”).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby re-appoints Joseph A. Bonilla to the PEGAOB for a three (3) year term expiring July 1, 2015.

Council Member Fahey introduced the following:

Resolution Number 3.11.13R

RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE FREEDOM FROM DOMESTIC VIOLENCE AS A FUNDAMENTAL HUMAN RIGHT

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and

WHEREAS, in 2011, the United Nations Special Rapporteur on Violence Against Women identified several deficiencies in the regulation of domestic violence in the United States, including the need to explore more uniform remedies for victims of domestic violence; the need to re-evaluate existing mechanisms for protecting victims and punishing offenders at federal, state, and local levels, given that calls for help often do not result in either arrests or successful prosecutions; and the need for additional public education campaigns that condemn all forms of violence; and

WHEREAS, on August 17, 2011, the Inter-American Commission on Human Rights found the United States in violation of Articles I, II, VII, and XVII of the American Declaration for breaching its duty to protect Jessica Lenahan and her children from domestic violence; and

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives, according to the Centers for Disease Control; and

WHEREAS, 44% of African American women, 37% of Hispanic women, and 35% of white women have experienced rape, physical violence, and/ or stalking by an intimate partner; and 39% of African American men, 27% of Hispanic men, and 28% of white men have experienced rape, physical violence, and/or stalking by an intimate partner, according to the Centers for Disease Control; and

WHEREAS, 73 New Yorkers died as a result of intimate partner homicide in 2010 according to the New York State Office for the Prevention of Domestic Violence; and

WHEREAS, the Domestic Violence Legal Connection of the Capital District Women's Bar Association Legal Project provided pro bono and reduced fee civil representation to 1,209 victims of Domestic Violence in 2010; and

WHEREAS, Equinox provided services to 1,612 persons who experienced domestic violence in 2010 either in person or over the telephone on their 24-hour domestic violence hotline including; providing shelter for 237 adults and their 116 children and helping 374 victims obtain final orders of protection from the courts; and

WHEREAS, New York Courts issued a total of 301,488 orders of protection in 2010, of which 219,876 were required to be recorded in the Unified Court System's Domestic Violence Registry; and

WHEREAS, the number of required orders of protection issued in New York State increased 6% from 2009 to 2010 and 34% from 2007; and

WHEREAS, in 2010, almost 1,100 individuals under the age of 21 filed family offense petitions in New York State Family Courts under the expanded definition of "intimate relationship," a 22% increase from 2009; and

WHEREAS, 11% of New York State high school students surveyed in 2009 reported that they were hit, slapped or physically hurt on purpose by their boyfriend or girlfriend; and

WHEREAS, the New York State Division of Criminal Justice Services reports that 4,705 Albany County residents were victims of domestic violence offenses in 2009 and 2010; and

WHEREAS, in 2010 and 2011, the Office of Court Administration indicates that over 3,000 temporary or final orders of protection were issued in Albany Family Court; and

WHEREAS, in 2011 there were over 9,400 reported cases of domestic violence in the Capital District alone – some of the highest reported numbers of any district in New York State; and

WHEREAS, survivors of domestic violence experience physical injuries, long-term psychological damage, financial instability, trouble finding safe housing; and

WHEREAS, police and sheriff's departments, courts, cities, counties, social services agencies, and other local government entities constitute the first line of defense against domestic violence.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany joins world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence is a fundamental human right.

BE IT FURTHER RESOLVED, that state and local governments should continue to secure this human right on behalf of their citizens.

TO: Nala Woodard, City Clerk
FROM: Cathy Fahey, Council Member
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: December 20, 2012

RESOLUTION NUMBER 3.11.13R

TITLE: RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE FREEDOM FROM DOMESTIC VIOLENCE AS A FUNDAMENTAL HUMAN RIGHT

GENERAL PURPOSE OF LEGISLATION: FOR the purpose of joining world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declaring that the freedom from all domestic violence, regardless of whether inflicted by a current or former spouse, a current or former intimate partner, or a family member is a fundamental human right.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This resolution declares that freedom from domestic violence is a human right.

FISCAL IMPACT: None.