

ORDINANCES INTRODUCED

- 55.102.11 AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON SEPTEMBER 30, 2011, FOR FISCAL YEAR 2012**
- 56.102.11 AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 25 DELAWARE AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CAPITALIZE ALBANY CORPORATION**
- 57.102.11 AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 445 MANNING BOULEVARD AND 524, 526 AND REAR 526 CENTRAL AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CAPITALIZE ALBANY CORPORATION**
- 58.102.11 AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES IN CITY RECREATIONAL AREAS**

RESOLUTIONS INTRODUCED

77.102.11R RESOLUTION OF THE COMMON COUNCIL CALLING UPON THE 50 STATE ATTORNEYS GENERAL TASK FORCE TO REJECT ANY PROPOSED SETTLEMENT WITH MAJOR BANKS WHICH WOULD GIVE A BROAD RELEASE TO BANKS FROM FUTURE LITIGATION RELATING TO MORTGAGE ABUSE RATHER THAN LIMITING SUCH SETTLEMENT TO FRAUDULENT MORTGAGE FORECLOSURE PRACTICES

Council Member Sano introduced the following:

Ordinance Number 55.102.11

**AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE
MAYOR ON SEPTEMBER 30, 2011, FOR FISCAL YEAR 2012**

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

Section 1. The budget as presented by the Mayor on September 30, 2011, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2012.

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

Section 4. This ordinance shall be effective immediately.

**APPROVED AS TO FORM
October 6, 2011**

Corporation Counsel

TO: Nala Woodard, City Clerk
FROM: James Sano, Council Member
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: October 7, 2011

ORDINANCE NUMBER 55.102.11

**TITLE: AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE
MAYOR ON SEPTEMBER 30, 2011, FOR FISCAL YEAR 2012.**

GENERAL PURPOSE OF LEGISLATION: To adopt the budget for the City of Albany for fiscal year 2012.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This ordinance is necessary in order to implement the mayor's budget.

FISCAL IMPACT: Provides a budget for the fiscal year 2012.

Council Member Conti introduced the following:

Ordinance Number 56.102.11

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 25 DELAWARE AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CAPITALIZE ALBANY CORPORATION

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 25 Delaware Avenue (Tax Map #76.31-4-3) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the Capitalize Albany Corporation.

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

Section 2. It is hereby determined that the aforesaid property 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
October 6, 2011**

Corporation Counsel

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: October 6, 2011

ORDINANCE NUMBER 56.102.11

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE
RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND 25 DELAWARE
AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CAPITALIZE
ALBANY CORPORATION

GENERAL PURPOSE OF LEGISLATION

TO AUTHORIZE THE CONVEYANCE OF 25 DELAWARE AVENUE PURSUANT TO THE
2011 CITY BUDGET.

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)

N/A

FISCAL IMPACT(S)

N/A

Council Member Konev introduced the following:

Ordinance Number 57.102.11

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 445 MANNING BOULEVARD AND 524, 526 AND REAR 526 CENTRAL AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CAPITALIZE ALBANY CORPORATION

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 properties known as 445 Manning Boulevard (Tax Map #65.37-3-47), 524 Central Avenue (Tax Map #65.37-3-54), 526 Central Avenue (Tax Map #65.37-3-53) and Rear 526 Central Avenue (Tax Map #65.37-3-55.1) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the Capitalize Albany Corporation.

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

October 6, 2011

Corporation Counsel

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: October 6, 2011

ORDINANCE NUMBER 57.102.11

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 445 MANNING BOULEVARD AND 524, 526 AND REAR 526 CENTRAL AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CAPITALIZE ALBANY CORPORATION

GENERAL PURPOSE OF LEGISLATION

TO AUTHORIZE THE CONVEYANCE OF 445 MANNING BLVD AND 524, 526 AND REAR 526 CENTRAL AVE PURSUANT TO THE 2011 CITY BUDGET.

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)

N/A

FISCAL IMPACT(S)

N/A

Council Member Sano introduced the following:

Ordinance Number 58.102.11

**AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION)
OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES
IN CITY RECREATIONAL AREAS**

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

Section 1. Section 251-9 of Chapter 251 of the Code of the City of Albany is hereby amended to read as follows:

Section 251-9. ~~Repealer.~~ Smoking in City recreational areas.

~~All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed.~~

A. Smoking is responsible for premature deaths of over 440,000 Americans each year from lung cancer, heart disease, and other smoking related diseases. It kills more Americans each year than alcohol, cocaine, heroin, crack, homicide, suicide, accidents, fires and AIDS combined. Eighty percent of smokers started smoking before the age of 18, and the average initiation age is 12 years old.

B. No person shall smoke within the City's sport fields, swimming pools, or playgrounds. For purposes of this section, to "smoke" means to burn a lighted cigar, cigarette, or pipe, or to use any other substance which contains tobacco.

C. Violation of this Section shall be an offense punishable by a fine of \$50.00. Appropriate signage shall be posted designating tobacco-free zones, however, the presence or absence of signs shall not be a defense to a violation of this Section.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
October 6, 2011**

Corporation Counsel

TO: Nala Woodard, City Clerk
FROM: James Sano, Council Member
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: October 7, 2011

ORDINANCE NUMBER 58.102.11

TITLE: AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES IN CITY RECREATIONAL AREAS

GENERAL PURPOSE OF LEGISLATION: To prohibit smoking in all city recreational areas.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This ordinance creates a tobacco free zone in areas of the city predominantly visited by young children, youth and families. It will help to eliminate negative role models which may reduce the incidence of smoking in young children. It also helps all citizens enjoy the outdoors in places intended for such without tobacco smoke intruding on their time outside.

FISCAL IMPACT: None.

Council Member Conti introduced the following at the request of Mayor Jennings:

Resolution Number 77.102.11R

RESOLUTION OF THE COMMON COUNCIL CALLING UPON THE 50 STATE ATTORNEYS GENERAL TASK FORCE TO REJECT ANY PROPOSED SETTLEMENT WITH MAJOR BANKS WHICH WOULD GIVE A BROAD RELEASE TO BANKS FROM FUTURE LITIGATION RELATING TO MORTGAGE ABUSE RATHER THAN LIMITING SUCH SETTLEMENT TO FRAUDULENT MORTGAGE FORECLOSURE PRACTICES

WHEREAS, since 2004 the United States (U.S.) has suffered from a mortgage crisis caused by a number of factors prevalent in both the housing and credit markets, including substandard underwriting practices by lenders, the prevalence of non-traditional mortgages with low initial interest rates and an increase in private label securitization; and

WHEREAS, since 2006 more than 3 million homes have been repossessed through foreclosure in the United States; and

WHEREAS, nationwide as of 2010, another 2.9 million homes were in foreclosure, a 23% increase since 2008; and

WHEREAS, according to the New York State Comptroller's office, between 2006 and 2009 the number of foreclosure filings in New York City rose by 31.7 percent to 22,886; and

WHEREAS, 22.7 percent of residential properties with mortgages are underwater, or worth less than the mortgage on the property; and

WHEREAS, following the mortgage collapse the Federal Bureau of Investigation (FBI) increased its investigation into fraudulent activities associated with the mortgage process based on an analysis of suspicious activity reports filed by federally insured financial institutions, which increased from 6,936 reports tiled in 2003 to 67,190 in 2009; and

WHEREAS, the FBI ranked New York as one of the top ten states for known or suspected mortgage fraud activity for two consecutive years, and ranked New York as one of the top ten states for reports of mortgage fraud across all originations in 2010; and

WHEREAS, the FBI investigations and those of other law enforcement entities, such as State Attorneys General across the U.S. investigated instances of fraud related to the origination of loans, the securitization of mortgage loans by sponsor banks and the servicing of mortgages; and

WHEREAS, in October 2010 many major banks heeded the call of attorneys, stakeholders and the judiciary by placing a moratorium on foreclosure proceedings after reports of fraudulent procedural activities surfaced, including, the failure to verify and notarize legal documents used to initiate foreclosures also known as "robo-signing", the inadequate handling of documents and the use of false titles; and

WHEREAS, also in October 2010, 50 State Attorneys General convened an official inquiry into the robo-signing scandal; and

WHEREAS, as a result of the inquiry, a proposed settlement agreement between the 50 State Attorneys General Task Force and major banks is being negotiated which would require the banks to pay a sum to be used for homeowner loan modifications while at the same time releasing the banks from all further litigation relating to the mortgage crisis; and

WHEREAS, The 50 State Attorneys General Task Force was originally convened to analyze the robo-signing fraud associated with the initiation of foreclosure proceedings and has not conducted an adequate investigation into the bundling of mortgages into securities, including the role of trusts holding mortgages and the statements of loan pool credit quality to investors, and

WHEREAS, in New York State, the Attorney General, pursuant to the Martin Act may investigate and bring suit against financial institutions for fraudulent activities related to the provisions of financial and investor actions; and

WHEREAS, the New York State Attorney General has instigated an investigation into the packaging of mortgage loans into securities by several major banks; and

WHEREAS, New York State Attorney General Eric Schneiderman has stated that the proposed settlement by the 50 State Attorneys General Task Force, which would give the major banks a broad release from all future mortgage collapse-related litigation, would restrict his office from proceeding with its current investigation and impede future investigations and or legal action taken in the area of mortgage security fraud.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany expresses unequivocal support for New York State Attorney General Eric Schneiderman's comprehensive investigation, and calls upon the 50 State Attorneys General Task Force to reject any proposed settlement with major banks which would give a broad release to the banks from future litigation relating to mortgage abuse rather than limiting such settlement to fraudulent mortgage foreclosure practices.

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: October 6, 2011

RESOLUTION NUMBER 77.102.11R

TITLE

RESOLUTION OF THE COMMON COUNCIL CALLING UPON THE 50 STATE ATTORNEYS
GENERAL TASK FORCE TO REJECT ANY PROPOSED SETTLEMENT WITH MAJOR
BANKS WHICH WOULD GIVE A BROAD RELEASE TO BANKS FROM FUTURE
LITIGATION RELATING TO MORTGAGE ABUSE RATHER THAN LIMITING SUCH
SETTLEMENT TO FRAUDULENT MORTGAGE FORECLOSURE PRACTICES

GENERAL PURPOSE OF LEGISLATION

To show the Council's support of the Attorney General's investigation and possible litigation into
financial institutions regarding lending practices and foreclosures.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

N/A

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

FISCAL IMPACT(S)

N/A
