

**CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING
MONDAY, January 23, 2020**

The Common Council was convened at 7:10 p.m. and was called to order by President Ellis.

The roll being called, the following answered to their names: Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson, and Council President Ellis

Also present was the following staff: Danielle Gillespie, Sarah Valis, John-Raphael Pichardo, and Michele Andre, and

Council Member Corey Ellis led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Assemblywoman Pat Fahy, Albany, NY (Skyway Project)
3. David Galin, Albany, NY (Mayor's Statement on Skyway Project)
4. Jahkeen Hoke, Albany, NY (Skyway Project)
5. Georgette Steffens, Executive Director of Downtown Business Initiative (Skyway Project)
6. Jeff Buell, 16 Sheridan Ave, Albany, NY (Skyway Project)
7. Marlon Anderson, 214 Lark Street, Albany, NY (Policing)

The time for Public Comment having expired, President Pro Temp Kimbrough made a motion, which was duly seconded, to extend the Public Comment Period by an additional 30 minutes. There being no discussion, motion was ADOPTED by unanimous voice vote.

8. Emily Keller, Albany, NY (Neighborhood Development)
9. Nick Colletti, 2 Ver Planck St, Albany, NY (Street pavement list) and
10. Tina Lieberman, 30 Aspen Circle, Albany, NY 12208 (Community Choice Aggregation)

There being no further speakers, the President declared the Public Comment Period closed.

Approval of Minutes

President Pro Temp Kimbrough made a motion to approve the minutes of December 16, 2019 and January 6, 2020 meeting of the Council, seconded, which was APPROVED by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS:

Council Member Conti noticed the introduction of Local Law A – 2020 as follows, which was held for further consideration:

LOCAL LAW A – 2020

A LOCAL LAW AMENDING ARTICLE XXIV (GENERAL PROVISIONS) OF PART 14 (BOARD OF ESTIMATE AND APORITIONMENT) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REPORTING REQUIREMENT OF THE CHIEF CITY AUDITOR

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Subsection C of section 42-183 (Power and authority; minutes) of Part 14 (Board of Estimate and Apportionment) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

C. The [~~Comptroller~~] Chief City Auditor shall make a bimonthly report to the Common Council of the cumulative total of transfers of budgeted funds for the year to date and a total for each meeting of the Board of Estimate and Apportionment and shall immediately notify the Common Council in writing when transfers of budgeted funds approach 4% of the total annual City budget in any given year, or of any transfer of budgeted funds that reduces the budget of any City department, office and commission in excess of 37.5% in any given year. Pursuant to Section 603(D) of the City Charter, no further transfers shall be made without prior approval of the Common Council.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

Council Member Fahey noticed the introduction of Local Law B – 2020 as follows, which was held for further consideration:

LOCAL LAW B – 2020

A LOCAL LAW CREATING CHAPTER 376 OF THE CODE OF THE CITY OF ALBANY (COMMUNITY CHOICE AGGREGATION) AUTHORIZING THE CREATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND ADOPTING CERTAIN PROVISIONS TO FACILITATE PROGRAM IMPLEMENTATION

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 376-1 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-1. Purpose.

It is the intent of the City of Albany to establish a Community Choice Aggregation (“CCA”) Program to aggregate the energy supply needs of residents and small commercial customers, and to negotiate and enter into, or authorize its agent to negotiate and enter into, Energy Supply Agreements (“ESAs”) with Energy Service Companies (“ESCOs”) on behalf of eligible citizens to obtain stable, lower-cost energy prices, as well as environmental benefits and/or a community-based solution to meeting our collective energy needs. The purpose of this Local Law is two-fold: to establish a CCA Program in the City of Albany and to adopt certain provisions relating to the creation and implementation of the CCA Program.

Section 2. Section 376-2 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-2. Findings.

A. New York State’s energy industry is in the midst of a significant transition; a shift away from the old top-down, utility-centered model toward a cleaner, more affordable, more resilient system in which consumers and communities will have a substantial role to play. The State’s ongoing Reforming the Energy Vision (“REV”) initiative emphasizes the importance of reliability and grid-

resilience, distributed energy resources, increased renewable generation, and greater opportunity for citizens to take an active role in helping the State reach its energy goals and in making more informed energy choices in their homes, businesses and communities.

- B. As part of this REV initiative, the New York State Public Service Commission (“NYSPSC”), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation Programs, by themselves or in concert with other municipalities (hereinafter “NYSPSC Order Authorizing CCAs”), and/or to retain a CCA Administrator to implement the program and negotiate ESAs.
- C. CCA Programs allow communities to take control of their energy supply through an open, transparent and competitive electric and/or gas supply procurement process driven by the consumers themselves.
- D. A successful CCA Program offers citizens cost savings, more stable energy prices, deterrence of deceptive marketing practices by unscrupulous ESCOs, fair contracts negotiated directly with energy suppliers, and/or the opportunity to pursue goals and initiatives important to the community, such as reliability, grid resiliency, supporting renewable energy generation, cutting greenhouse gas emissions, protecting the State’s natural resources, and improving energy efficiency.
- E. The City of Albany has explored the CCA policy and background, and believes it would provide numerous benefits in this community, enhancing the public welfare and making energy more affordable and costs more predictable for our residents.
- F. Therefore, the City of Albany authorizes the creation of an opt-out CCA Program pursuant to rules of the NYSPSC in this community for the provision of electric and/or natural gas supply service, as well as other high priority energy related value-added services as may be determined to meet the community’s goals.

Section 3. Section 376-3 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-3. Authority.

The NYSPSC Order Authorizing CCAs expressly empowers cities, towns and villages in this state to create CCA Programs. Further, the New York Municipal Home Rule Law, Article 2, Section 10, authorizes a municipality to adopt general laws relating to its property, affairs and government, the protection and enhancement of its physical and visual environment, the protection and well-being of persons within the municipality, and for other authorized purposes.

Section 4. Section 376-4 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-4. Definitions.

AUTOMATICALLY ELIGIBLE CUSTOMERS: shall mean customers' accounts in those utility service classes eligible for inclusion in the CCA Program on an opt-out basis, as set forth in the NYSPSC Order Authorizing CCAs, Appendix C, or as otherwise specified by the Commission. Generally, these classes of customers include those receiving residential electric or gas supply service, including those in multi-family housing, certain types of institutions, and some small commercial customers covered by “small general

service” class designations. Automatically Eligible Customers shall not include customers' accounts that have already been enrolled in service through an ESCO, enrolled in utility programs which require them to take supply service from their current utility, or that have a block on their utility account at the time of CCA formation¹; those customers' accounts shall be eligible to participate on an opt-in basis, if they so desire.

ELIGIBLE CUSTOMERS: shall mean all automatically eligible customers plus those utility customers eligible for inclusion in the CCA Program on an opt-in basis, as set forth in the NYSPSC Order Authorizing CCAs or otherwise authorized by the Commission. Those customers eligible to participate in the CCA Program on an opt-in basis currently include: those customers already enrolled in service through an ESCO at the time of CCA formation, customers in large commercial, institutional, or industrial utility service classes that cannot be automatically enrolled in the CCA on an opt-out basis, and all other customers not considered “automatically eligible customers.” References to the broader class of “eligible customers” shall signify the entire pool of customers participating in the aggregation, either because they have been automatically enrolled on an opt-out basis, or because they have affirmatively opted in.

CCA ADMINISTRATOR: An agent of the municipality charged with overseeing creation, implementation and operation of a CCA Program, as well as competitively procuring and negotiating Energy Supply Agreements with ESCOs. The CCA Administrator shall be retained by the municipality via a separate CCA Administration Agreement, adopted by Resolution of the municipality's governing board.

COMMUNITY CHOICE AGGREGATION (CCA)/CCA PROGRAM: A Program authorized by the New York State Public Service Commission (NYSPSC) to aggregate residential and commercial electric and/or natural gas supply and/or energy related value-added products and services within a given municipality, and/or among multiple municipalities, in order to leverage that energy demand to negotiate favorable Energy Supply Agreements directly with ESCOs. Customers within a CCA Program would no longer purchase their energy supply directly from their utility. However, the utility would continue to deliver energy to these customers, to charge for that delivery, and will retain its transmission and distribution network. The energy supply portion of a customer’s energy service is provided by an ESCO or ESCOs, pursuant to an Energy Supply Agreement competitively procured and negotiated for the CCA Program at large, then delivered to customers via the local utility.

ENERGY SUPPLY AGREEMENT (ESA): An agreement between an energy customer and an Energy Services Company (ESCO) to provide electricity or gas service to the customer for a fixed or variable price. For purposes of this Local Law, the CCA Administrator would conduct a competitive procurement on behalf of all eligible customers, and would enter into an Energy Service Agreement(s) with an ESCO to provide power to all such customers in the community.

ENERGY SERVICES COMPANY (ESCO): A third-party energy supplier eligible to sell electricity, natural gas and/or energy related value-added services to customers in New York State, utilizing the transmission and distribution systems of existing utilities. ESCOs are regulated by the New York State Department of Public Service and the New York State Public Service Commission, and must comply with the New York State Public Service Law.

MUNICIPALITY: Reference to these terms throughout this Local Law indicate the City of Albany unless otherwise noted.

UTILITY: This term refers to traditional electric and/or natural gas utilities regulated by the New York

¹ Except Assistance Program Participants (“APPs”), customers enrolled in utility low-income assistance programs who may have blocks on their accounts with their existing utility, but who may still be eligible to participate.

State Department of Public Service and the New York State Public Service Commission and permitted to provide electric and/or gas supply, transmission and distribution services to all customers within their designated service territory.

Section 5. Section 376-5 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-5. Establishing Community Choice Aggregation.

City of Albany hereby establishes a CCA Program for aggregation of electric and/or natural gas supply to serve all eligible customers in its jurisdiction. All automatically eligible customers shall be included in the CCA Program on an opt-out basis, and shall be afforded the opportunity to opt-out of the CCA Program, within a specified period, at no cost. All customers who are not automatically eligible to be included in the CCA Program on an opt-out basis shall be permitted to affirmatively opt into the program in accordance with the terms of the ESA and/or the NYSPSC Order Authorizing CCAs.

Section 6. Section 376-6 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-6. Provisions for Implementing CCA Program.

Part A. Implementation Plan

1. The City of Albany with support from its CCA Administrator, will create and follow a CCA Implementation Plan which shall outline the details of how the CCA Program will be created and operated, including how public outreach and education will occur, what rules will apply to the Program, how the procurement process will be implemented, how energy contracts will be selected, and how responsibilities will be divided amongst CCA Administrator, municipality, and eligible customers.
2. In accordance with the NYSPSC Order Authorizing CCAs, the CCA Implementation Plan will be reviewed and approved by the Public Service Commission. Such review may involve NYSPSC approval of a generic CCA Implementation Plan, with the understanding that community-specific Appendices would be submitted later and would outline appropriately tailored local education and outreach efforts.
3. Where a generic CCA Implementation Plan will be used, the City of Albany and the CCA Administrator will make community-specific revisions to the Plan's Appendices to ensure the Plan is properly tailored to the needs of the City of Albany's residents. Therefore, prior to or in conjunction with the enactment of this Local Law, and thereafter from time to time, the City of Albany with support from the CCA Administrator, will create and update a CCA Program Opt-Out Letter, as well as an Education and Outreach Plan, as provided in the Implementation Plan Appendix for this community.
4. The City of Albany Opt-Out Letter and Education and Outreach Plan shall conform to those requirements for public outreach, education, and opt-out procedures set forth in the NYSPSC Order Authorizing CCAs, and in any other applicable laws or regulations, and shall ensure that the City of Albany and its CCA Administrator engage in a robust effort to educate and inform the community about the CCA Program and their options for participating or opting out.

5. Opt-out letters will be provided to all automatically eligible customers no less than 30 days prior to the time at which those customers would be automatically enrolled in the CCA Program. The letters will be printed on the City of Albany letterhead, in official City of Albany envelopes. The logo of the CCA Administrator and selected ESCO may also be included on these letters, so long as it is clear that the letter is official correspondence from the City of Albany.

Part B. Public Outreach and Education

1. The City of Albany, together with its CCA Administrator, will provide public notices, presentations, information sheets, and other forms of outreach, as outlined in the Appendix of the Implementation Plan, to ensure residents are informed about the CCA Program and their options for participating or opting out.
2. Once the CCA Program is operating, the City of Albany and its CCA Administrator will continue to engage in public outreach to keep CCA customers informed about any changes to the CCA Program; opportunities for new products or services available through the CCA Program, such as renewable energy buying options; important terms and durations of ESAs; information about the selected ESCOs; and any other matters related to the CCA Program.

Part C. Customers Moving into or out of the Community After CCA Adoption

Residents and small commercial customers who establish utility accounts in this community after the effective date of this Local Law shall be afforded the opportunity to join the CCA Program within a reasonable time after their utility account is established, in accordance with contractual agreements between the CCA Administrator any ESCO(s) providing service to the Program.

Part D. Customer Data Protection

The City of Albany or its CCA Administrator, will create and follow a Customer Data Protection Plan which ensures that any confidential or sensitive personal customer information provided by the utility to the City of Albany its CCA Administrator, and/or the selected ESCO(s), will be given all privacy protections required by law and regulation, and protected from unauthorized release or use to the greatest extent possible. This Customer Data Protection Plan will ensure that the CCA Program and any selected ESCO(s) handle all confidential or sensitive customer data in keeping those customer data protections already afforded by Utility prior to the enactment of this Local Law.

This Plan will also ensure that CCA customer data, such as contact information, is not used for inappropriate purposes, such as solicitation of business unrelated to the CCA Program, its goals and objectives.

Section 7. Section 376-7 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-7. CCA Administrator.

Part A. CCA Administration Agreement

The City of Albany will enter into a CCA Administration Agreement with its CCA Administrator. Such agreement will set forth the various rights and responsibilities of the parties, and will govern the

manner in which the CCA Program is run. This Agreement shall also authorize the CCA Administrator to act as the City of Albany's agent for the purpose of procuring energy supply or other energy related value-added services for CCA Program eligible customers.

Part B. Customer Service, Complaints

The CCA Administrator will provide the City of Albany with clear, up-to-date contact information for customer questions, concerns or complaints. The CCA Administrator shall, from time to time, and/or at the request of the City of Albany's Mayor or Common Council, report to the City of Albany regarding customer service matters.

Section 8. Section 376-8 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-8. Compliance with Public Service Law and Regulations.

In accordance with the NYSPSC Order Authorizing CCAs, it shall be the responsibility of the City of Albany, supported by any CCA Administrator that may be under contract, to ensure the CCA Program is operated in compliance with all applicable provisions of the New York State Public Service Law, regulations of the New York State Public Service Commission and/or the New York State Department of Public Service, the Uniform Business Practices (to the extent applicable), the NYSPSC Order Authorizing CCAs and any other relevant laws or regulations. This provision applies regardless of whether a CCA Administrator is retained to organize and implement the City of Albany's CCA Program. This shall include, but not be limited to, compliance with any reporting requirements related to the CCA Program.

Section 9. Section 376-9 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-9. Review and/or Dissolution of the CCA Program.

- A. The City of Albany will, from time to time, review the CCA Program and its progress to determine how the program is faring, confirm it is affording benefits to the community, and provide information to the public thereon.
- B. As the expiration of its ESA(s) approaches, or in the event an ESCO provides notice of its intention to terminate an ESA (where authorized by the terms of that ESA), the City of Albany may consider whether it wishes to discontinue the CCA Program. Dissolution of the CCA Program will require (1) enactment of a Local Law amending or repealing this Local Law, (2) lawful termination of ESAs in accordance with their terms, (3) lawful termination of the CCA Administration Agreement, in accordance with its terms, and (4) at least 60 days' notice to customers that their energy services will be automatically returned to Utility, an effective date upon which such a change would occur, and information on what other options may be available to those customers, if applicable.

Section 10. Section 376-10 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-10. Conflicts.

In the event the New York State Public Service Commission, the State Legislature, or other State

agency, enacts laws or regulations regarding the operation of CCAs which are in conflict with this Local Law, the state provisions shall govern.

Section 11. Section 376-11 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-11. Liability.

Nothing in this Local Law shall be read to create liability on the part of the City of Albany related to the provision of electric and/or natural gas service to customers. The ESCO selected to provide such service will be ultimately responsible for compliance with all applicable laws, rules and regulations governing retail energy services, and will assume any liability stemming from the provision of such service to retail customers, including any potential liability associated with the service itself, customer data and information, and any other matters which would traditionally fall under the purview of a merchant utility providing the same service to customers prior to the formation of the CCA. This Local Law is meant merely to facilitate the creation of an aggregation program in this community. The City of Albany will not assume the role of ESCO or utility in the sale or delivery of energy services.

Section 12. Section 376-12 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§376-12. Severability.

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law, which shall nonetheless remain in full force and effect.

Section 13. Section 376.13 of Chapter 376 of the Code of the City of Albany is hereby amended to read as follows:

§ 376-13. Effective Date.

This Local Law shall take effect upon final passage, public hearing and filing with the Secretary of State.

President Pro Temp Kimbrough referred Local Law B – 2020 to Planning, Economic Development and Land Use Committee for further consideration.

President Pro Temp Kimbrough held remaining local laws on the pending agenda.

REPORTS OF STANDING COMMITTEES:

Finance, Assessment and Taxation: Council Member Farrell reported that the committee met on January 21, 2020 on Ordinances 23.101.19, 24.101.19, 28.101.19, 29.101.19 and 48.122.19 (MC). Ordinance 24.101.19, 28.101.19, and 29.101.19 will be formally withdrawn at Council meeting. Ordinance 23.101.19 and 48.122.19(MC) passed out of committee with no recommendation.

Public Safety and Albany Community Policing Advisory Committee (AC PAC): President Pro Temp Kimbrough reported that the Public Safety and AC PAC had a joint meeting met on January 14, 2020 on Albany Police Department reorganization of the Neighborhood Engagement Unit and new beat map.

CONSIDERATION OF ORDINANCES

Council Member Farrell on the behalf of Finance, Assessment and Taxation noticed Ordinance 20.101.19 *As Amended*, asked passage and a roll call vote thereon:

ORDINANCE NUMBER 20.101.19 *As Amended*

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$250,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PLAYGROUND/SPRAY PAD EQUIPMENT INSTALLATION)

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: Playground and spray pad equipment

Local Finance Law Section 11.00(a) Subparagraph 19(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$250,000.00

Maximum Amount of Bonds: \$250,000.00

Treasurer's Bond Authorization Numbers: U-20

Treasurer's Project Numbers: GH.4110.9021

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$250,000.00 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 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 October 7, 2019 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

** Council Member Balarin spoke on the Ordinance prior to passage.*

** Ordinance 20.101.19 As Amended was co-sponsored by Council Members Balarin and Robinson*

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED**:

The Ordinance passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

***Please note that the language in sections 3 - 12 is the same for Ordinance 20.101.19, 22.101.19, 23.101.19, and 30.101.19.**

Council Member Farrell on the behalf of Finance, Assessment and Taxation noticed Ordinance 22.101.19 As Amended, asked passage and a roll call vote thereon:

ORDINANCE NUMBER 22.101.19 As Amended

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$150,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$150,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- Roadway Striping)

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: Roadway Striping

Local Finance Law Section 11.00a Subparagraph 20(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$150,000.00

Maximum Amount of Bonds: \$150,000.00

Treasurer's Bond Authorization Numbers: B-20

Treasurer's Project Numbers: GH.3120.3310.9002

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$150,000.00 serial bonds hereby authorized to be issued.

** Ordinance 22.101.19 As Amended was co-sponsored by Council Members Flynn*

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED**:

The Ordinance passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Farrell on the behalf of Finance, Assessment and Taxation noticed Ordinance 23.101.19 As Amended, asked passage and a roll call vote thereon:

ORDINANCE NUMBER 23.101.19 As Amended

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF ~~\$1,357,000.00~~ 1,205,500.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF ~~\$1,357,000.00~~ 1,205,500.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- VEHICLES)

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: vehicles

Local Finance Law Section 11(a) Subparagraph 77

Period of Probable Usefulness: 3 years

Maximum Term of Obligations: 3 years

Maximum Estimated Cost: ~~\$1,357,000.00~~ 1,205,500.00

Maximum Amount of Bonds: ~~\$1,357,000.00~~ 1,205,500.00

Treasurer's Bond Authorization Numbers: C-20

Treasurer's Project Numbers: GH.3120.9003

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$1,205,500.00 serial bonds hereby authorized to be issued.

** Council Member Doesschate, Farrell and Balarin spoke on the Ordinance prior to passage.*

** Ordinance 23.101.19 As Amended was co-sponsored by Council Members Anane, Flynn and Kimbrough*

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED**:

The Ordinance passed by the following vote of all Council Members elected voting:

Affirmative – Anane, Balarin, Conti, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien and Robinson

Negative – Doesschate and Johnson

Affirmative 13 Negative 2 Abstain 0

Council Member Farrell on the behalf of Finance, Assessment and Taxation WITHDREW Ordinance 24.101.19 (**AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- Building Improvements)**), which had been previously introduced.

Council Member Farrell on the behalf of Finance, Assessment and Taxation noticed Ordinance 26.101.19 *As Amended*, asked passage and a roll call vote thereon:

ORDINANCE NUMBER 26.101.19 As Amended

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$3,300,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$3,300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENGINEERING- SKYWAY)

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: Skyway- Pedestrian Mall

Local Finance Law Section 11 Subparagraph 80

Period of Probable Usefulness: 20 years

Maximum Term of Obligations: 20 years

Maximum Estimated Cost: \$3,300,000.00

Maximum Amount of Bonds: \$3,300,000.00

Treasurer's Bond Authorization Numbers: G-20

Treasurer's Project Numbers: GH.149.250109007

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$3,300,000.00 serial bonds hereby authorized to be issued. Such authority shall be contingent upon a Maintenance and Operation agreement between the City and the New York State Department of Transportation being reviewed and approved by the Common Council.

** Council Members O'Brien, Doeschate, Johnson, Fahey, Robinson, Farrell, Love, Balarin, Kimbrough and Anane spoke on the Ordinance prior to passage.*

** Ordinance 26.101.19 As Amended was co-sponsored by Council Members Anane, Fahey, Frederick and Hoey*

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED**:

The Ordinance passed by the following vote of all Council Members elected voting :

Affirmative – Anane, Balarin, Conti, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O’Brien and Robinson

Negative – Doeschate and Johnson

Affirmative 13 Negative 2 Abstain 0

Council Member Farrell on the behalf of Finance, Assessment and Taxation WITHDREW Ordinance 28.101.19 (**AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (BRIDGE IMPROVEMENTS)**) which had been previously introduced.

Council Member Farrell on the behalf of Finance, Assessment and Taxation WITHDREW Ordinance 29.101.19 (**AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENGINEERING- RENOVATIONS TO CITY BUILDINGS)**) which had been previously introduced.

Council Member Farrell on the behalf of Finance, Assessment and Taxation noticed Ordinance 30.101.19 *As Amended*, asked passage and a roll call vote thereon:

ORDINANCE NUMBER 30.101.19 *As Amended*

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$5,500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$5,500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENGINEERING – 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: Street Reconstruction

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: \$5,500,000.00

Maximum Amount of Bonds: \$5,500,000.00

Treasurer's Bond Authorization Numbers: M-20

Treasurer's Project Numbers: GH.1492.501.09013

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$5,500,000.00 serial bonds hereby authorized to be issued.

** Council Member Doesschate, O'Brien, Fahey, and Johnson spoke on the Ordinance prior to passage.*

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED**:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, and Love

Negative – Johnson

Present – O'Brien

Affirmative 12 Negative 1 Present 1

Council Member Doesschate noticed Ordinance 48.122.19 (MC) *As Amended*, asked passage and a roll call vote thereon:

Ordinance 48.122.19 (MC) *As Amended*

AN ORDINANCE AMENDING ORDINANCE 2.21.18, ENTITLED: "AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,799,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,799,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EQUIPMENT)", AS ADOPTED BY THE COMMON COUNCIL ON MARCH 5, 2018, IN RELATION TO A REDUCTION IN THE MAXIMUM AUTHORIZED TO BE BORROWED BY THE ISSUANCE OF SERIAL BONDS FOR EQUIPMENT PURCHASES THEREUNDER FROM \$1,799,000 TO \$1,050,000

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

Section 1. The title, and sections 1 and 2 of Ordinance Number 2.21.18, as adopted by the Common Council on March 5, 2018, are amended to read as follows:

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF ~~\$1,799,000.00~~ \$1,050,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF ~~\$1,799,000.00~~ \$1,050,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EQUIPMENT).

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: Purchase and replacement of equipment

Local Finance Law Section 11.00(a) Subparagraph 28

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: ~~\$1,799,000.00~~ \$1,050,000.00

Maximum Amount of Bonds: ~~\$1,799,000.00~~ \$1,050,000.00

Comptroller's Bond Authorization Numbers: B-18

Comptroller's Project Numbers: GH 149114908802

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of ~~\$1,799,000.00~~ \$1,050,000.00 serial bonds hereby authorized to be issued.

Section 2. This ordinance shall be dated December 16, 2019 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany and shall be deemed to have been in full force and effect on the same day as Ordinance 2.21.18 as adopted by the Common Council on March 5, 2018 took effect.

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED:**

The Ordinance passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, and Love

Affirmative 13 Negative 0 Abstain 0

President Pro Temp Kimbrough held the pending ordinances on the agenda for further consideration.

CONSIDERATION OF RESOLUTIONS

Council Member Fahey on the behalf of Planning, Economic Development and Land Use Committee noticed the introduction of Resolution 2.12.20R as follows, which was held for further consideration:

Resolution Number 2.12.20R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JORDINE JONES AS A MEMBER OF THE ALBANY PARKING AUTHORITY

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Section 1493-c of the Public Authorities Law of the State of New York appointed Jordine Jones as a member of the Albany Parking Authority.

NOW, THEREFORE, BE IT RESOLVED that Jordine Jones be confirmed as a member of the Albany Parking Authority for the remainder of a five (5) year term of office to expire January 2, 2025.

President Pro Temp Kimbrough referred Resolution 2.12.20R to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Farrell on the behalf of Finance, Assessment and Taxation Committee noticed the introduction of Resolution 3.12.20R as follows, which was held for further consideration:

Resolution Number 3.12.20R

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR CERTAIN POSITIONS FOR THE 2020 BUDGET (APD)

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary rate or salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, the Chief of the Police Department of the City of Albany has requested amendments to the 2020 budget to increase by \$2,530.00 the salary for the position of Vehicle Maintenance Coordinator (from \$50,000.00 to \$52,530.00) via the use of vacancy savings and to make such adjustment effective January 1, 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds as set forth above, affecting the salary rate of one position in Police Department as set forth above for the 2020 Budget.

President Pro Temp Kimbrough referred Resolution 3.12.20R to the Finance, Assessment and Taxation Committee for further consideration.

Council Member Farrell on the behalf of President Pro Temp Kimbrough noticed the introduction of Resolution 4.12.20R as follows, which was held for further consideration:

Resolution Number 4.12.20R

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY CALLING ON THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO NOT MAKE DRASTIC CUTS TO MEDICAID

WHEREAS, over six million vulnerable New Yorkers receive high-quality, affordable healthcare because they are directly covered by Medicaid. For these children, mothers, the elderly, people with disabilities, and the lower-income, Medicaid is literally the difference between life and death; and

WHEREAS, the Common Council of the City of Albany is deeply concerned to see media reports about the possibility of a steep cut to Medicaid in the 2020 state budget; and

WHEREAS, such a cut would have deep, lasting consequences. It would not only create a healthcare crisis for the most vulnerable in our state, but also severely harm the healthcare delivery systems all New Yorkers depend on; and

WHEREAS, drastic Medicaid cuts would make it extremely difficult for financially struggling

safety net hospitals and nursing homes to continue to provide quality care to New York’s most vulnerable communities; and,

NOW, THEREFORE, BE IT RESOLVED, that as elected officials representing New Yorkers, it is our conviction that as budget discussions proceed, we must remember our collective promise to protect Medicaid and the vulnerable New Yorkers who rely on it. We cannot go back on the Medicaid promise.

Council Member Farrell on the behalf of Finance, Assessment and Taxation Committee noticed the introduction of Resolution 5.12.20R, asked passage and a roll call vote thereon:

Resolution Number 5.12.20R

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENTS IN SALARIES PURSUANT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ALBANY AND THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 294, FOR THE 2020 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, in order for the terms of the agreement that was collectively bargained between the City and the International Brotherhood of Teamsters, Local 294 to be satisfied, the adjustments in the salaries addressed by the agreement that affect salary totals for the 2020 budget year must be authorized by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for those positions addressed by the Memorandum of Agreement between the City of Albany and the International Brotherhood of Teamsters, Local 294 for the 2020 budget year.

** Resolution 5.12.20R As Amended was co-sponsored by Council Members Anane, Balarin, Flynn, Hoey, Igoe and Kimbrough*

There being no further discussion, President Ellis called for a roll call vote thereon and the Ordinance was **ADOPTED**:

The Ordinance passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, and Love

Affirmative 13 Negative 0 Abstain 0

President Pro Temp Kimbrough held the remaining Resolutions on the pending agenda for further consideration.

COMMON COUNCIL COMMENTS:

The following Council Members commented on the following topics:
Council Member Conti (Skyway and CFA/Consolidated Funding Application process)
Council Member Doesschate (Street Paving)

ADJOURNMENT

There being no further business, President Pro Temp Kimbrough made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximately 9:40 pm.

MICHELE ANDRE
Senior Legislative Aide to the Council