



MINUTES OF A SPECIAL MEETING THURSDAY, MARCH 26, 2020

The Common Council was convened at 7:30 p.m. and was called to order by President Ellis. This meeting was held following Governor Cuomo's executive order 202.1 and it live streamed on Facebook <https://www.facebook.com/albany.commoncouncil/> using Zoom as the meeting platform.

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

Also present was the following staff: Danielle Gillespie, John-Raphael Pichardo, Brett Williams, and Michele Andre.

Motion was made to suspend the Pledge of Allegiance followed by a moment of silence which was seconded.

CONSIDERATION OF ORDINANCE

President Pro Temp Kimbrough made a motion, which was duly seconded, requesting Unanimous Consent to pass Ordinance 6.33.20 and Ordinance 7.33.20 the same night it was introduced. There being no discussion, the motion was adopted by voice vote.

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Ordinance 6.33.20 asked passage and a roll call vote thereon:

ORDINANCE NUMBER 6.33.20

AN ORDINANCE AMENDING SUBSECTION 152 (PUBLICATION OF NOTICES FOR BIDS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I OF THE CODE OF THE CITY OF ALBANY IN RELATION TO AUTHORIZING SUBMISSION OF BIDS AND OFFERS IN AN ELECTRONIC FORMAT

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

Section 1. Part I of the Code of the City of Albany, Chapter 42, Part 10, Article XX, Section 42-152 (Publication of notices for bids) is amended to read as follows:

§ 42-152 Publication of notices for bids.

When by the terms of any statute or ordinance public notice is required to be given of the reception of bids or the letting of contracts by said Board, for the performance of any work, or for the supply of any materials, for the City, or for any officer, court, board or department thereof, and the manner in which such public notice shall be given is not specified in such statute or ordinance, then the public notice so to be given shall be given by three successive daily publications thereof in each of the official papers of the City, the last of which said publications shall be at least two days prior to the date fixed for the reception of the bids or the letting of contracts described in such notice. Additional publications of any notice above specified may be directed by said Board whenever in its judgment the public interest will be thereby promoted. Publications made in accordance with this section may provide for the submission of bids and offers in an electronic format pursuant to the provisions of section 103 of the New York General Municipal Law.

Section 2. This ordinance shall take effect immediately.

There being no 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 present 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

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Ordinance 7.33.20 asked passage and a roll call vote thereon:

Ordinance Number 7.33.20

AN ORDINANCE AUTHORIZING THE BOARD OF CONTRACT AND SUPPLY TO TAKE IMMEDIATE ACTION PURSUANT TO SECTION 42-163 OF THE CODE OF THE CITY OF ALBANY FOR PURCHASES RELATED TO THE STATE OF EMERGENCY DECLARED BY THE MAYOR ON MARCH 15, 2020 IN RELATION TO THE COVID-19 PANDEMIC

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

Section 1. It is the determination of the Common Council that a public emergency exists pursuant to the Mayor’s Declaration of State of Emergency dated March 15, 2020 in relation to the COVID-19 pandemic. The State of Emergency has been declared due to emergency conditions produced by the outbreak of the novel coronavirus (COVID19) which threatens and imperils the health and safety of the people of the City of Albany.

Section 2. Due to the emergency situation that exists, the Common Council hereby authorizes that the Board of Contract and Supply take immediate action without undertaking the formal public bidding process pursuant to Section 42-163 of the Code of the City of Albany, and that City shall purchase such materials as is necessary to rectify the emergency.

Section 3. This procurement waiver is enacted pursuant to Section 42-163 and Section 120 of the Second Class Cities Law and shall be subject to the unanimous approval of the Board of Estimate and Apportionment.

Section 4. This ordinance shall take effect immediately and shall remain in effect until the Emergency Declaration of March 15, 2020 issued by the Mayor of the City of Albany expires or is rescinded; or the Declaration of a State of Emergency, Executive Order 202, by the Governor of the State of New York issued on March 7, 2020 expires or is rescinded; or until August 31st, 2020, whichever comes first.

Council Members Balarin, and O'Brien spoke on the Ordinance prior to vote.

** Ordinance 7.33.20 was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, 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 present 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

CONSIDERATION OF RESOLUTIONS

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 30.33.20R asked passage and a roll call vote thereon:

Resolution Number 30.33.20R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING SUBMISSION IN AN ELECTRONIC FORMAT OF BIDS AND OFFERS RESPONSIVE TO CERTAIN PUBLIC CONTRACTS

WHEREAS, at present, the Board of Contract and Supply is not authorized to accept bids and offers for the fulfillment of certain public contracts electronically; and

WHEREAS, the ability of the Board of Contract and Supply to accept such bids and offers in an electronic format will make the bidding process easier, more flexible, and more modern for the City and for bidders alike; and

WHEREAS, section 103(1) of the New York General Municipal Law, entitled "Advertising for bids and offers; letting of contracts; criminal contempt," authorizes the electronic submission of bids and offers "provided that the governing board of the political subdivision ... by resolution, has authorized the receipt of bids and offers in such format"; and

WHEREAS, the option for submission of bids and offers electronically will be enshrined in §42-152 of the City Code upon the passage of Ordinance Number 6.33.20;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Albany hereby authorizes that bids and offers relating to public contracts may be received in an electronic format pursuant to the provisions of New York General Municipal Law § 103; and

BE IT FURTHER RESOLVED that the Board of Contract and Supply shall establish and promulgate the procedure(s) by which bids and offers may be submitted electronically in accordance with this resolution, the Code, and General Municipal Law § 103, and shall make such procedure(s) available for review by the Common Council.

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

The Resolution passed by the following vote of all Council Members present voting in favor thereof:

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

Affirmative 15 Negative 0 Abstain 0

COMMON COUNCIL COMMENTS:

The following Council Members commented on the following topics:
Council Member Farrell (Thanked Council’s Staff and Brett William)
Council Member Love (Asked Council Member Robinson for a Prayer)

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 7:52 pm.

Council Member Robinson lead a invocation followed by a moment of silence.

MICHELE ANDRE

Senior Legislative Aide to the Council