County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207

Meeting Agenda

Thursday, November 16, 2023

6:30 PM

Harold L. Joyce Albany County Office Building
Cahill Room - First Floor

Audit and Finance Committee

PREVIOUS BUSINESS:

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

2. AMENDING THE 2023 PUBLIC DEFENDER'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

3. AUTHORIZING AN AGREEMENT WITH BST & CO. CPAS, LLP FOR INDEPENDENT AUDITING SERVICES

4. AUTHORIZING AN AGREEMENT WITH CAPITAL MARKETS ADVISORS, LLC REGARDING FINANCIAL ADVISORY SERVICES

5. AMENDING THE 2023 DISTRICT ATTORNEY'S OFFICE BUDGET: COMPUTER EQUIPMENT AND OVERTIME

6. AMENDING THE 2023 DISTRICT ATTORNEY'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

7. AUTHORIZING AND DIRECTING THE BOARD OF ELECTIONS TO CERTIFY ITS EXPENSES REGARDING THE 2022 ELECTION CYCLE

8. BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS FOR THE SHAKER PLACE GARAGE AND PARKING LOT EXTENSION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $9,295,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $9,295,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION

9. AMENDING THE 2023 DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES BUDGET: ADMINISTRATIVE ADJUSTMENTS

10. AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 107 SPAWN HALLOW ROAD (TAX MAP NO. 132.00-1-43) IN THE TOWN OF BETHLEHEM

11. AMENDING THE 2023 ALBANY COUNTY BUDGET: NEW YORK STATE HEALTH CARE AND MENTAL HYGIENE WORKER BONUS PROGRAM - VESTING PERIOD IV

12. AMENDING RESOLUTION NO. 188 FOR 2020 AND AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 2A LINCOLN AVENUE (TAX MAP NO. 44.1-1-7.2) AND 201 SPRING STREET ROAD (TAX MAP NO. 44.1-1-7.1) IN THE TOWN OF COLONIE

13. AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AS THE SWITZKILL FARM LOCATED AT 165 GAME FARM ROAD (TAX MAP NO. 90.-1-16.100) IN THE TOWN OF BERNE

14. AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM AND AN AGREEMENT WITH THE US DEPARTMENT OF THE TREASURY REGARDING THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND PROGRAM

15. AUTHORIZING THE ACCEPTANCE OF FUNDING FROM NEW YORK STATE REGARDING THE LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM IN ALBANY COUNTY

16. AMENDING THE 2023 ALBANY COUNTY BUDGET: ACCEPTANCE OF FUNDING AND END OF YEAR ADJUSTMENTS

County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207

Meeting Minutes

Thursday, October 26, 2023

6:30 PM

Harold L. Joyce Albany County Office Building
Cahill Room - First Floor

Audit and Finance Committee

PREVIOUS BUSINESS:

Present: Wanda F. Willingham, William M. Clay, Mark E. Grimm, Raymond F. Joyce, David B. Mayo and Frank J. Commisso

Excused: Matthew T. Peter, Paul J. Burgdorf and Lynne Lekakis

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

CURRENT BUSINESS:

2. AMENDING THE 2023 ALBANY COUNTY BUDGET TO PROVIDE THE DEPARTMENT OF PARKS AND RECREATION WITH FUNDING TO ENHANCE PARKS AND FACILITIES THROUGHOUT ALBANY COUNTY

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

3. AMENDING THE 2023 ALBANY COUNTY BUDGET TO PROVIDE THE VETERANS SERVICE BUREAU WITH FUNDING TO ENHANCE NOT-FOR-PROFIT VETERAN SERVICES PROVIDERS

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

4. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO AND AN AGREEMENT WITH THE RESEARCH FOUNDATION FOR MENTAL HYGIENE FOR GRANT FUNDING AND AMENDING THE 2023 SHERIFF'S OFFICE BUDGET

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

5. AMENDING THE 2023 SHERIFF'S OFFICE BUDGET: YEAR END ADJUSTMENTS

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

6. AUTHORIZING AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, REGARDING REIMBURSEMENT FOR THE INCARCERATION OF CRIMINAL ALIENS AND AMENDING THE 2023 SHERIFF'S OFFICE BUDGET

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

7. AMENDING THE 2023 SHERIFF'S OFFICE BUDGET: STAFF ADJUSTMENTS

This proposal was tabled at the request of the Sponsor.

8. AMENDING THE 2023 STORMWATER COALITION BUDGET: ENHANCED PAY

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

9. AUTHORIZING THE CONVEYANCE OF COUNTY PROPERTY BY QUITCLAIM DEED AND EASEMENT WITH MOHAWK HUDSON LAND CONSERVANCY REGARDING THE BENDER MELON FARM PRESERVE BRIDGE OVER THE ALBANY COUNTY RAIL TRAIL

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

10. AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 4852 WESTERN TURNPIKE (TAX MAP NO. 38.00-4-2) IN THE TOWN OF GUILDERLAND

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

11. AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 1185 KNOX CAVE ROAD (TAX MAP NO. 46.-1-8) IN THE TOWN OF KNOX

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

12. AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 312 ORANGE STREET (TAX MAP NO. 65.72-5-16) IN THE CITY OF ALBANY

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

13. AUTHORIZING AN AWARD OF GRANT FUNDING TO CALIBRANT NY II, LLC REGARDING THE SOLAR POWER SYSTEM LOCATED AT 897 WATERVLIET SHAKER ROAD IN THE TOWN OF COLONIE

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

14. AUTHORIZING AN AGREEMENT WITH INTERFAITH PARTNERSHIP FOR THE HOMELESS REGARDING RENOVATION AND STAFF ORIENTATION AT MERCY HOUSE IN THE CITY OF ALBANY

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote. R. Joyce abstained.

DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
PUBLIC DEFENDER
112 STATE STREET, 2ND FLOOR
ALBANY, NEW YORK 12207
PHONE: (518) 447-7150 FAX: (518) 447-5533
www.albanycounty.com

STEPHEN W. HERRICK
PUBLIC DEFENDER

November 6, 2023

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

The Public Defender's Office is requesting authorization of amendments to its 2023 budget for administrative salary adjustments to various positions that were created, eliminated or reclassified during the budget year. The adjustments are budget neutral.

Please feel free to reach out to me with any questions.

Sincerely,

Stephen W. Herrick
Public Defender

cc: Hon. Dennis A. Feeney, Majority Leader
Hon. Frank A. Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4802, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
AMENDING THE 2023 PUBLIC DEFENDER'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

Date:	11/1/2023
Submitted By:	Keith Bulatao
Department:	Public Defender's Office
Title:	Director of Accounts
Phone:	518-447-7771
Department Rep. Attending Meeting:	Stephen W. Herrick and/or Matthew Alpern

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☒ Personnel

☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: Various
Source of Funds: Various
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: 91%
County: 9%
Local: Click or tap here to enter text.

Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☐
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
The Public Defender's Office is requesting authorization of amendments to its 2023 budget for administrative salary adjustments to various positions that were created, eliminated or reclassified during the budget year. The adjustments are budget neutral.

						APPROPRIATIONS				
		ACCOUNT NO.				RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
A9	1170	1	1211	10000	150196	Director of Accounts		28,345.00	95,000.00	Public Defender
A9	1170	1	2540	10000	150178	Fiscal Officer II	28,345.00		-	Public Defender
A9	1170	1	5028	10000	150197	Mitigation Specialist		27,012.00	45,000.00	Public Defender
A9	1170	1	5027	10000	150179	Peer Advocate	27,012.00		-	Public Defender
A9	1170	1	5023	10000	150037	Paralegal/Data Specialist		17,500.00		Public Defender
A9	1170	1	5032	10000	150037	Paralegal/Data Specialist	17,500.00		64,974.00	Public Defender
A9	1170	1	2028	10000	150157	Assistant Public Defender V		5,750.00	-	Public Defender
A9	1170	1	2042	10000	150203	Strategic Litigation Counsel	5,750.00		104,171.00	Public Defender
A9	1170	1	2205	10000	150184	Staff Social Worker		10,252.00	-	Public Defender
A9	1170	1	2151	10000	150202	Family Court Caseworker	10,252.00		66,300.00	Public Defender
						TOTAL Appropriations	88,859.00	88,859.00		
						ESTIMATED REVENUES				
		ACCOUNT NO.				RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
						TOTAL Revenue	0.00	0.00		
						GRAND TOTALS	88,859.00	88,859.00		

SUSAN A. RIZZO
COUNTY COMPTROLLER

STEPHANIE SLOMINSKI CIA CFE
CHIEF AUDITOR

COUNTY OF ALBANY
OFFICE OF THE COMPTROLLER
112 STATE STREET, ROOM 1030
ALBANY, NEW YORK 12207-2021
(518) 447-7130
susan.rizzo@albanycountyny.gov

EDWARD L. DOTT
EXECUTIVE DEPUTY COMPTROLLER

FRANK COMMISSO
EXECUTIVE DEPUTY COMPTROLLER

November 2, 2023

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street – Suite 710
Albany, New York 12207

RE: RLA – Independent Auditing Services

Dear Chairman Joyce,

The Department of Audit and Control is requesting approval to exercise the first of two one-year options with BST & Co. CPAs, LLP for independent auditing services of the 2023 fiscal year. The RLA, Resolution No. 428 of 2020, and contract with BST & Co. CPAs, LLP are attached for your review and convenience.

Should you require any additional information, please let me know.

Sincerely,

Susan A. Rizzo
Albany County Comptroller
112 State Street, Room 1030
Albany, New York 12207
(518) 447-7130

CC: Patrick Collins, Counsel to the Chair
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

REQUEST FOR LEGISLATIVE ACTION

Exercising First Option Year with BST & Co. CPAs, LLP for Independent Auditing Services of the 2023 Fiscal Year

Date:	November 2, 2023
Submitted By:	Susan A. Rizzo
Department:	Department of Audit and Control
Title:	Albany County Comptroller
Phone:	(518) 447-7130
Department Rep. Attending Meeting:	Susan A. Rizzo

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) _____

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.:	N/A
Source of Funds:	N/A
Title Change:	N/A

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☒ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) _____

Contract Terms/Conditions:

Party (Name/address):
BST & Co. CPAs, LLP
10 British American Blvd.
Latham, New York 12110

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: $144,000
Scope of Services: Independent Auditing Services of 2023 Fiscal Year

Bond Res. No.:
Date of Adoption:

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☒ No ☐
If Mandated Cite Authority: NYS

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐
**Expense is included in 2024 Proposed Budget*

County Budget Accounts:
Revenue Account and Line:
Revenue Amount:

Appropriation Account and Line: A.91315.44044

Appropriation Amount:

Source of Funding – (Percentages)

Federal:	
State:	
County:	100%
Local:	

Term

Term: (Start and end date)	1/1/2024 – 12/31/2024
Length of Contract:	1 Year Option

Impact on Pending Litigation Yes ☐ No ☒

If yes, explain:

Previous requests for Identical or Similar Action:

Resolution/Law Number:	Resolution No. 428 of 2020
Date of Adoption:	11/9/2020

Justification: (state briefly why legislative action is requested)

Albany County is required by New York State to have an annual independent audit. Passage of this legislation will fulfill this requirement for the 2023 fiscal year, through independent auditing services to be provided during 2024.

RESOLUTION NO. 428

AUTHORIZING AN AGREEMENT WITH BST & CO. CPAS, LLP FOR INDEPENDENT AUDITING SERVICES

Introduced: 11/9/20
By: Audit and Finance Committee:

WHEREAS, Albany County is required by law to provide yearly independent audits to New York State, and

WHEREAS, The Albany County Purchasing Agent in cooperation with the County Comptroller issued a Request for Proposals (RFP) for such services, and

WHEREAS, The Comptroller's Office has reviewed the qualifications and proposals of five firms responding to the RFP and recommended awarding the contract to BST & Co. CPAs, LLP as offering the best value for the County, and

WHEREAS, BST & Co. CPAs, LLP, submitted a $423,000 quote for auditing services for the 2020, 2021 and 2022 fiscal years, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with BST & Co. CPAs, LLP, Albany, NY 12205 for three years, with two one-year options to renew, regarding performance of independent auditing services in accordance with the submitted proposal for the 2020, 2021 and 2022 fiscal years, and, be it further

RESOLVED, That the agreement shall indicate that the fees for the auditing services shall not exceed the following amounts: $139,000 for auditing 2020 records; $141,000 for auditing 2021 records and $143,000 for auditing records for the 2022 fiscal year, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 11/9/20

PROFESSIONAL SERVICE AGREEMENT
BETWEEN
THE COUNTY OF ALBANY
AND
BST & CO. CPA's LLP
Resolution No.428, adopted November 9, 2020

THIS AGREEMENT by and between Albany County, Albany County Office Building, 112 State Street, Albany, New York, 12207 (hereinafter called the "COUNTY") and BST & Co. CPA's, LLP, as successor to SAXBST, LLP, 26 Computer Drive West, Albany, New York 12205, (hereinafter called the "CONSULTANT").

WITNESSETH:

WHEREAS, the COUNTY, on behalf of the Office of Audit and Control, Albany County Comptroller, has issued a Request for Proposals (RFP-2020-106) entitled "Auditing Services" for the professional services of qualified certified public accountants to audit the financial statements of Albany County, for fiscal years, 2020, 2021 and 2022, and,

WHEREAS, the CONSULTANT has heretofore submitted a proposal to perform said professional accounting services which was accepted by the COUNTY; and,

WHEREAS, the COUNTY hereby accepts CONSULTANT's proposal to perform said professional accounting services for a period of three years with two one-year options to renew.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

ARTICLE I. SCOPE OF SERVICES TO BE PERFORMED

The COUNTY agrees to and hereby does retain and employ the CONSULTANT to audit the financial statements of Albany County for the Fiscal Years 2020, 2021 and 2022, for all funds and account groups, and, further, to perform a separate audit for the Albany County Health Department, Mental Health Department,

Times Union Center, and Shaker Place Rehabilitation and Nursing Center for each fiscal year.

The audit of the COUNTY shall include an examination of the COUNTY'S general purpose financial statements for all funds and account groups.

A separate audit of the Albany County Health Department shall be for the Annual Report of the Diagnostic and Treatment Centers.

A separate audit shall be conducted of the Consolidated Fiscal Report in conformance with the guidelines provided by the NYS Office for People with Developmental Disabilities, NYS Office of Mental Health and NYS Office of Alcoholism and Substance Abuse.

A separate audit shall be conducted of the Consolidated Fiscal Report in conformance with the guidelines provided by the NYS Office of Mental Hygiene.

The audit of the Times Union Center, managed by ASM, a Pennsylvania General Partnership, shall be for the purpose of complying with the terms of the Development and Operations Agreement with the NYS Urban Development Corporation. In addition, an audit of the records of Aramark, Inc., "Albany Project Income" and "other site Development Income" as defined in the repayment agreement with the Director of the Budget of the State of New York shall be completed. Management advisory services shall be provided, including, but not limited to, consultations regarding accounting principles and method of application and suggestions for improving internal control.

The audit of the Shaker Place Rehabilitation and Nursing Center, a 250 bed nursing facility, and a separate enterprise fund shall consist of an audit of the Facility's financial statements and Medicaid report for the purpose of expressing an opinion thereon. Observations and recommendations shall be made as to internal control at the Facility. Field work on this audit shall begin April 15 with draft financial statements completed and delivered to the County no later than May 5. Final financial statements shall be completed by May 20.

The audits to be performed by consultant shall be performed in accordance with Generally Accepted Auditing Standards, the standards set forth for financial audits in the General Accounting Office's Government Auditing Standards (1988), the provisions of the Federal Single Audit Act of 1984, US Office Management and Budget (OMB) Circular A 128 Audits of State and Local Government, the NYS Uniform System of Accounts for Counties, Governmental Accounting, Auditing and Financial Reporting (GAAFR) standards issued by the Government Finance Officer's Association, and Statements on Auditing Standards (SAS) issued by the Auditing Standards Board of the American Institute of Certified Public Accountants (AICPA).

The Consultant shall present the County's Audited Financial Statements in GASB 34 compliant format.

Work papers that are developed in conjunction with these audits shall be retained by the CONSULTANT for a period of no less than six years and shall be available upon request for examination by County, State and Federal Agencies.

The CONSULTANT shall perform management consulting services on an as needed basis as requested by the COUNTY Comptroller. Such services may include, but will not be limited to consultations regarding accounting principles and method of application and suggestions for improving internal control.

The parties hereto specifically acknowledge and agree that the terms of the Request for Proposals, RFP-2020-106 Auditing Services and CONSULTANT'S proposal are all incorporated herein, although not specifically attached hereto. In the event of any discrepancy, disagreement or ambiguity among the Agreement and the above incorporated documents, the documents shall be given preference in the following order to interpret and to resolve such discrepancy, disagreement or ambiguity: 1) the Agreement; 2) the RFP with Addendum; (3) The CONSULTANT'S proposal.

ARTICLE II. FEES

In consideration of the terms of this AGREEMENT, the COUNTY agrees to pay and the CONSULTANT agrees to accept the fees per services set forth in CONSULTANT'S cost proposal attached hereto as Exhibit "A". The total of said fees per fiscal year shall not exceed the fees set forth below:

Audit of 2020 records:	$139,000
Audit of 2021 records:	$141,000
Audit of 2022 records:	$143,000

Any additional as needed management consulting services shall be based upon Consultant's hourly rate proposal as set forth in their proposal attached hereto.

Payment for services rendered shall be made at intervals to be agreed upon by the parties hereto, upon CONSULTANT'S submission of an Albany County Claim Form determining services rendered, including dates and times. All disbursements shall be specifically outlined. Upon acceptance of CONSULTANT'S Claim Form, payment shall be rendered.

ARTICLE III. AVAILABLE DATA

All data relative to the work in the possession of the COUNTY or in the possession of the CONSULTANT shall be made available to the other party to this AGREEMENT without expense to the other party.

ARTICLE IV. COOPERATION

The CONSULTANT shall cooperate with representatives, agents and employees of the COUNTY and the COUNTY shall cooperate with the CONSULTANT to the end that work may proceed expeditiously and economically.

ARTICLE V. EXTRA WORK

If the CONSULTANT is of the opinion that any work the CONSULTANT has been directed to perform is beyond the scope of this AGREEMENT and constitutes Extra Work, the CONSULTANT shall promptly notify the COUNTY of the fact. The COUNTY shall be the sole judge as to whether or not such work is in fact beyond the scope of this AGREEMENT and whether or not it constitutes Extra Work. In the event that the COUNTY determines that such work does constitute Extra Work, it shall provide extra compensation to the CONSULTANT on a negotiated basis.

ARTICLE VI. ACCOUNTING RECORDS

Proper and full accounting records shall be maintained by the CONSULTANT which records shall clearly identify the costs of the work performed under this AGREEMENT. Such records shall be subject to periodic and final audit by the COUNTY upon request. Such records shall be accessible to the COUNTY for a period of six (6) years following the date of final payment by the COUNTY to the CONSULTANT for the performance of the work contemplated herein.

ARTICLE VII. ASSIGNMENTS

The CONSULTANT specifically agrees as required by Section 109 of the New York General Municipal Law that CONSULTANT is prohibited from assigning, transferring, conveying, subcontracting, or otherwise disposing of this AGREEMENT, or of CONSULTANT'S right, title or interest therein without the previous consent in writing of the COUNTY.

ARTICLE VIII. RELATIONSHIP

The CONSULTANT is, and will function as, an independent contractor under the terms of this AGREEMENT and shall not be considered an agent or employee of the COUNTY for any purpose, and the employees of the CONSULTANT shall not in any manner be or be held out to be, an agent or employee of the COUNTY.

ARTICLE IX. INDEMNIFICATION

The CONSULTANT shall defend, indemnify and save harmless the COUNTY, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the CONSULTANT, to the extent of their responsibility for such claims, damages, losses and expenses.

ARTICLE X. INSURANCE

The CONSULTANT agrees to procure and maintain without additional expense to the COUNTY, until final acceptance by the COUNTY, of the services covered by this AGREEMENT, insurance of the kinds and in the amounts provided under Schedule "A" attached hereto. Before commencing work, the CONSULTANT shall furnish to the COUNTY a Certificate(s) showing that the requirements of this Article are met and the Certificate(s) shall provide that the policy shall not be changed or canceled until thirty (30) days prior written notice had been given to the COUNTY, and naming the COUNTY OF ALBANY as an additional insured.

ARTICLE XI. TERMINATION OF CONTRACT

The responsibilities under this AGREEMENT shall commence upon full execution of this AGREEMENT by the parties hereto, and shall be for a period of three (3) years ending with the completion of the 2022 fiscal year audit. This AGREEMENT is subject to two (2), one (1) year options to renew at the COUNTY'S option.

The COUNTY shall have the right at any time to terminate the work required of the CONSULTANT by this AGREEMENT, by written notice of such termination provided to the CONSULTANT by the COUNTY, and, in the event of such termination of this AGREEMENT, the CONSULTANT shall be entitled to compensation for all work heretofore authorized and performed, pursuant to this AGREEMENT, such compensation to be in accordance with Article II - Fees of this AGREEMENT.

ARTICLE XII. DELIVERY OF RECORDS

In the event of the termination of this AGREEMENT, as provided in Article XI, hereof, all data and records pertaining to the AGREEMENT shall be delivered within twenty (20) days to the COUNTY or its duly authorized representative. In case of failure of the CONSULTANT to make such delivery on demand, then and in that event, the CONSULTANT shall be liable to the COUNTY for any damages it may sustain by reason thereof.

ARTICLE XIII. REPORTING DUTIES

While providing specific services under this AGREEMENT, the CONSULTANT shall report regularly to the COUNTY, its agents and officials, as directed.

ARTICLE XIV. DISSOLUTION

In the event of dissolution of the CONSULTANT as a corporation or partnership during the existence of this AGREEMENT, the CONSULTANT shall give thirty (30) days notice in writing to the COUNTY in advance of such dissolution.

ARTICLE XV. LICENSES

The CONSULTANT shall at all times obtain and maintain all licenses required by the New York State to perform the CPA auditing services required under this AGREEMENT.

ARTICLE XVI. NON-DISCRIMINATION REQUIREMENT

The CONSULTANT shall not discriminate against any resident or employee of the COUNTY on the basis of race, color, creed, national origin, gender, handicap or source of payment.

ARTICLE XVII. NON-APPROPRIATIONS CLAUSE

Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by or are otherwise unavailable to the COUNTY for payment, the COUNTY will immediately notify the CONSULTANT of such occurrence and this AGREEMENT shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to the COUNTY of any kind whatsoever, except as

to those portions herein agreed upon for which funds shall have been appropriated and budgeted.

ARTICLE XVIII. APPLICABLE LAW

This AGREEMENT shall be construed for all purposes under the laws of the State of New York.

ARTICLE XIX. MACBRIDE PRINCIPLES

The CONSULTANT hereby represents that said CONSULTANT is in compliance with the MacBride Principles of Fair Employment as set forth in Albany County Local Law No. 3 for 1993, in that said CONSULTANT either (a) has no business operations in Northern Ireland or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles, and shall permit independent monitoring of their compliance with such principles. In the event of a violation of this stipulation, the COUNTY reserves all rights to take remedial measures as authorized under Section 4 of Local Law No. 3 for 1993, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the CONSULTANT in default and/or seeking debarment or suspension of the CONSULTANT.

ARTICLE XX. REMEMDY FOR BREACH

In the event of a breach by CONSULTANT, CONSULTANT shall pay to the COUNTY all direct and consequential damages caused by such breach, including, but not limited to, all sums expended by the COUNTY to procure a substitute contractor to satisfactorily complete the contract work, together with the COUNTY'S own costs incurred in procuring a substitute contractor.

ARTICLE XXI. INVALID PROVISIONS

It is further expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by and court or competent jurisdiction, the invalidity of such covenant, condition or provision shall in no way affect any other covenant, condition or provision herein contained; provided, however, that the invalidity of any such covenant, condition for provision does not materially prejudice either COUNTY or CONSULTANT in their respective rights and obligations contained in the valid covenants, conditions or provisions in this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have caused this

AGREEMENT to be executed on the date and year opposite their respective names.

COUNTY OF ALBANY

Dated: 12/15/2020

By: _____
Daniel P. McCoy
Albany County Executive

Daniel C. Lynch
Deputy County Executive

BST & CO. CPA's LLP

Dated: 12/7/2020

By: _____
Paul L. Goetz

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the ____ day of _____, 2020, before me, the undersigned, personally appeared Daniel P. McCoy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the 15th day of December, 2020, before me, the undersigned, personally appeared Daniel C. Lynch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC

EUGENIA K. CONDON
Notary Public, State of New York
No. 02CO4969817
Qualified in Albany County
Commission Expires July 23, 2022

STATE OF NEW YORK)
COUNTY OF) SS.:

On the 7th day of December, 2020, before me, the undersigned, personally appeared Paul L. Goetz personally know to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
NOTARY PUBLIC

LINDSEY DENISE BOLTON
Notary Public, State of New York
No. 01BO6251059
Qualified in Schenectady County
Commission Expires Nov. 7, 2023

SCHEDULE "A"

INSURANCE COVERAGE

The kinds and amounts of insurance to be provided are as follows:

Worker's Compensation and Employers Liability Insurance: A policy or policies providing protection for employees in the event of job-related injuries.

Automobile Liability Insurance: A policy or policies with limits of not less than $1,000,000 combined for each accident because of bodily injury, sickness or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of any automobile for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobile.

General Liability Insurance: A policy or policies of comprehensive all-risk insurance with limits of not less than:

Liability For:	Limit:
Bodily Injury	$1,000.000
Personal Injury	$1,000,000
Property Damage	$1,000,000

Professional Liability Insurance: A policy or policies of insurance with limits of not less than $1,000,000.

SUSAN A. RIZZO
COUNTY COMPTROLLER

STEPHANIE SLOMINSKI CIA CFE
CHIEF AUDITOR

COUNTY OF ALBANY
OFFICE OF THE COMPTROLLER
112 STATE STREET, ROOM 1030
ALBANY, NEW YORK 12207-2021
(518) 447-7130
susan.rizzo@albanycountyny.gov

EDWARD L. DOTT
EXECUTIVE DEPUTY COMPTROLLER

FRANK COMMISSO
EXECUTIVE DEPUTY COMPTROLLER

November 2, 2023

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street – Suite 710
Albany, New York 12207

RE: RLA – Financial Advisory Services

Dear Chairman Joyce,

The Department of Audit and Control is requesting approval to exercise the second of two one-year options with Capital Markets Advisors, LCC for financial advisory services during the period of January 1, 2024 through December 31, 2024. The RLA, Resolution No. 99 of 2020, Resolution No. 103 of 2023 and contract with Capital Markets Advisors, LCC are attached for your review and convenience.

Should you require any additional information, please let me know.

Sincerely,

Susan A. Rizzo
Albany County Comptroller
112 State Street, Room 1030
Albany, New York 12207
(518) 447-7130

CC: Patrick Collins, Counsel to the Chair
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

REQUEST FOR LEGISLATIVE ACTION

Exercising the Second of Two One-Year Options with Capital Markets Advisors for Financial Advisory Services for the period of 1/1/2024 through 12/31/2024

Date:	November 2, 2023
Submitted By:	Susan A. Rizzo
Department:	Department of Audit and Control
Title:	Albany County Comptroller
Phone:	(518) 447-7130
Department Rep. Attending Meeting:	Susan A. Rizzo

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) _____

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.:	N/A
Source of Funds:	N/A
Title Change:	N/A

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☒ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) _____

Contract Terms/Conditions:

Party (Name/address):
Capital Markets Advisors, LLC
11 Grace Avenue - Suite 308
Great Neck, New York 11021

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Fee Schedule Attached
Scope of Services: Financial Advisory Services – 1/1/2024 through 12/31/2024

Bond Res. No.:
Date of Adoption:

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐
**Expense is included in 2024 Proposed Budget*

County Budget Accounts:
Revenue Account and Line:
Revenue Amount:

Appropriation Account and Line: A.91315.44046

Appropriation Amount:

Source of Funding – (Percentages)

Federal:	
State:	
County:	100%
Local:	

Term

Term: (Start and end date)	1/1/2024 – 12/31/2024
Length of Contract:	1 Year Option

Impact on Pending Litigation Yes ☐ No ☒

If yes, explain:

Previous requests for Identical or Similar Action:

Resolution/Law Number:	Resolution No. 99 of 2020 / Resolution No. 103 of 2023
Date of Adoption:	3/9/2020 and 3/13/2023

Justification: (state briefly why legislative action is requested)

Albany County maintains the services of a financial advisor to guide the county through all aspects of the debt issuance process. Capital Markets Advisors, LLC is currently providing these services for Albany County, and the approval of this legislation will maintain their services for an additional one-year option.

RESOLUTION NO. 99

AUTHORIZING AN AGREEMENT WITH CAPITAL MARKETS ADVISORS, LLC REGARDING FINANCIAL ADVISORY SERVICES

Introduced: 3/9/20
By Audit and Finance Committee:

WHEREAS, The Albany County Comptroller has requested authorization to enter into an agreement with Capital Markets Advisors, LLC regarding financial advisory services at the rates indicated in the cost proposal for a three year term commencing January 1, 2020 and ending December 31, 2022 with two one-year options to renew, and

WHEREAS, The Comptroller, through the County Purchasing Agent, issued a request for bids regarding financial advisory services and three bids were received, and

WHEREAS The Comptroller reviewed said bids and recommended awarding the contract to Capital Markets Advisors, LLC as offering the best value due to their experience and familiarity with Albany County, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Capital Markets Advisors, LLC, Great Neck, NY 11022 regarding financial advisory services at the rates indicated in the cost proposal for a three year term commencing January 1, 2020 and ending December 31, 2022 with two one-year options to renew, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 3/9/20

RESOLUTION NO. 103

AUTHORIZING AN AGREEMENT WITH CAPITAL MARKETS ADVISORS, LLC REGARDING FINANCIAL ADVISORY SERVICES

Introduced: 3/13/23
By Audit and Finance Committee:

WHEREAS, By Resolution No. 99 for 2020, this Honorable Body authorized an agreement with Capital Markets Advisors, LLC, regarding financial advisory services at the rates indicated in the cost proposal for a three year term commencing January 1, 2020 and ending December 31, 2022 with two one-year options to renew, and,

WHEREAS, The Albany County Comptroller has requested authorization to execute the first of two options to renew and enter into an agreement with Capital Markets Advisors, LLC regarding financial advisory services at the rates indicated in the cost proposal for a one-year term commencing January 1, 2023 and ending December 31, 2023, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute the first of two options to renew and enter into an agreement with Capital Markets Advisors, LLC, Great Neck, NY 11022 regarding financial advisory services at the rates indicated in the cost proposal for a one-year term commencing January 1, 2023 and ending December 31, 2023, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 3/13/23

AGREEMENT
BETWEEN THE COUNTY OF ALBANY
AND CAPITAL MARKETS ADVISORS, L.L.C.
FOR FINANCIAL ADVISORY SERVICES

Resolution No. 99 of 2020 (adopted March 9, 2020)

THIS AGREEMENT is made by and between the County of Albany, a municipal corporation organized under the laws of the State of New York, acting by and through its County Executive, with a principal office at the Albany County Office Building, 112 State Street, Albany, New York 12207 (hereinafter, the "County"), and Capital Markets Advisors, L.L.C., a New York limited liability company with a principal address located at 11 Grace Avenue, Suite 208, Great Neck, New York 11021 (hereinafter, the "Contractor"). The County and the Contractor may be referred to individually as a "[P]arty" and collectively as the "[P]arties" as appropriate.

WITNESSETH:

WHEREAS, the County has a need for financial advisory services for the Albany County Comptroller, said request having been denominated RFP #2020-007, and having been issued by the Albany County Department of General Services Purchasing Division (hereinafter called the "Purchasing Division") on January 2, 2020 and published on January 9, 2020 (hereinafter called the "RFP"); and

WHEREAS, in response thereto, the Contractor has submitted a proposal on January 24, 2020 (hereinafter called the "Contractor's Proposal") to provide the aforesaid financial advisory services; and

WHEREAS, the County has accepted the Contractor's Proposal to provide the aforesaid financial advisory services as the lowest responsible bidder; and

WHEREAS, the Albany County Legislature has authorized the County Executive to enter into an Agreement for the aforesaid financial advisory services for the period beginning on January 1, 2020 and concluding on December 31, 2020 via Resolution No. 99 of 2020, adopted on March 9, 2020; and

WHEREAS, in furtherance thereof, the parties hereto desire to formalize their understanding and agreement regarding the provision of the aforementioned financial advisory services, and to execute a fully-integrated Agreement with respect thereto;

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

ARTICLE 1. THE CONTRACT DOCUMENTS; INTERPRETATION

1.1 The Contract Documents consist of the following: this Agreement; the RFP, which is incorporated herein and made a part hereof in its entirety by reference; and the Contractor's

Proposal, which is incorporated herein and made a part hereof in its entirety by reference (collectively called "the Agreement" hereinafter).

1.2 In the event of any discrepancy, disagreement, or ambiguity among the documents which comprise this Agreement, the documents shall be given preference in the following order to interpret and to resolve such discrepancy, disagreement, or ambiguity: 1) this Agreement; 2) the RFP; 3) the Contractor's Proposal.

ARTICLE 2. SCOPE OF SERVICES TO BE PERFORMED BY CONTRACTOR

The Contractor shall perform financial advisory services as requested by the County. These services shall include:

2.1 Orchestrate the debt issuance process to ensure that it is completed in a timely and cost-effective manner.

2.2 Analyze the conditions surrounding the issuance of County obligations, including the status of the County's credit rating and current conditions affecting the marketability of County bonds and notes; including in this area will be the analysis of all issues relating to any refundings of outstanding general obligation bonds. Evaluate the funding needs of the project and the resources available to the County to repay any debt to be issued. Recommend a financing plan that will result in the most favorable cost of capital to the County.

2.3 Perform, or assist the County in performing, the preliminary structuring of general obligation bond issuance and the final structuring of each offering. Advise and assist the County with regard to obtaining bond issuances.

2.4 Assist the County in the selection of the underwriter(s) by defining and drafting the selection criteria for the Request for Proposals (RFP), including each firm's experience and performance with similar financing, and proposed fees and expenses.

2.5 Evaluate the responses to the RFP, including an independent review of the effective interest cost of each response, and make a recommendation as to the selection of the underwriter(s). Appear before the County Legislature to compare the responses received to other issues currently on the market and recommend the award.

2.6 Serve as liaison between the County and the underwriter(s) to ensure the interests of the County are well-articulated and observed throughout each financing. Organize finance team meetings, set agendas, establish schedules, and monitor each issue's progress.

2.7 Assist the County in the preparation of a clear and concise presentation of the financing. Provide the rating analysts with financial rating analysis that compares the County's credit quality to that of other comparable issuers. Prepare comprehensive debt affordability analyses to demonstrate the ability of the County to afford new debt. Serve as a liaison between the County and the credit rating analysts to answer any questions and to resolve any concerns regarding the County, each project, and each financing.

2.8 Assist the County and its bond counsel in the preparation of offering or official statements or other necessary documents and in the review or writing of position papers or speeches, and assist the underwriter(s) in complying with SEC Rule 15(S) 2-12 regarding adequate initial and continuing disclosure. Attend meetings as needed and cooperate fully with the County's staff, its bond counsel, and its underwriter(s) in the preparation of any documents and the performance of any work related to the issuance of bonds on behalf of the County.

2.9 Negotiate the terms [interest rates, re-offering yields, call features, and the compensation of the underwriter(s), etc.] with underwriter(s) on behalf of the County with the sole objective of obtaining the most efficient financing cost. Prepare a pricing book several days in advance of each sale to provide a basis for making pricing decisions. The pricing book shall contain information on comparable issues in the market and update on recent market trends, including the expected demands of investors interested in the particular offering and recommend initial levels for all financing terms so that the County can make informed decisions during the negotiation process.

2.10 Arrange for the transfer of funds and for the investment of the proceeds, subject to arbitrage restrictions, to ensure that they are available when needed for the project(s) being financed.

2.11 Monitor market reception and re-offering yields, track the unsold balance of the issue held by underwriter(s) on a periodic basis and compare the terms of the sale to the rates that the County received. Prepare a report for the County that analyzes the sale by market absorption, level of bids compared to other issues on the market, market conditions, and underwriting spreads.

ARTICLE 3. COMPENSATION

The County agrees to compensate the Contractor at the following rates for the various services:

1. For bond issues: EIGHTY-FIVE ($.85) CENTS per each ONE THOUSAND ($1,000.00) DOLLARS of bonds issued with a minimum fee of TWENTY-FOUR THOUSAND, FIVE HUNDRED AND 00/100 ($24,500) DOLLARS.

2. For note issues: FORTY-FIVE ($.45) CENTS per each ONE THOUSAND ($1,000.00) DOLLARS of notes issued with a minimum fee of TWELVE THOUSAND, FIVE HUNDRED AND 00/100 ($12,500.00) DOLLARS.

3. For refunding bond issues: NINETY-FIVE ($.95) CENTS per each ONE THOUSAND ($1,000.00) DOLLARS of bonds issued with a minimum fee of THIRTY THOUSAND ($30,000.00) DOLLARS.

4. For continuing disclosure: TWO THOUSAND, FIVE HUNDRED ($2,500.00) DOLLARS, annually inclusive of any required Event Notices.

5. For services unrelated to a bond or not issuance: an hourly fee of ONE HUNDRED NINETY-FIVE ($195.00) DOLLARS per hour.

The Contractor shall not charge its clients for travel time, mileage, meals, lodging, supplies, telephone, or conference calls. **Other transaction related costs shall be borne by the County, including, but not limited to: Bond Counsel, rating agency, escrow agent(s), the Bond Buyer (to publish bond sale notices) and a financial printer.**

ARTICLE 4. PAYMENT

Payment shall be made to the Contractor upon the Contractor's submission of a properly executed Albany County Claim Form, plus all supporting documentation, to Albany County Comptroller's Office, and acceptance by the County of the Claim Form.

ARTICLE 5. TERM OF THE AGREEMENT

This Agreement shall commence on January 1, 2020 and continuing in effect until December 31, 2022. Upon the conclusion of this term, the Parties, upon mutual agreement, can renew this Agreement on two (2) consecutive one (1) year intervals. Renewals of this Agreement shall be contingent upon the renewal of all of its terms; partial renewals shall not be accepted by the County.

ARTICLE 6. TERMINATION OF AGREEMENT; REMEDY FOR BREACH

6.1 This Agreement may be terminated by the County or the Contractor as follows:

6.1.1 The County may terminate this Agreement if the Contractor refuses or fails to supply enough properly skilled workers or proper materials to meet any of its requirements, if the Contractor fails to make payment to County-approved subcontractors for materials or labor, or disregards laws, ordinances, or rules and regulations or orders of a public entity having jurisdiction over the work, or if the Contractor is substantially in breach of any of its provisions. Additionally, the County may, without cause, order the Contractor in writing, to suspend, delay, or interrupt the work in whole or in part for such period of time as the County may determine.

6.1.2 The Contractor may terminate this Agreement if the County is substantially in breach of it.

6.2 In the event of a breach by the Contractor, the Contractor shall pay to the County all direct damages caused by such breach, including, but not limited to, all sums expended by the County to procure a substitute Contractor to complete the work, together with the County's own additional costs incurred in procuring a substitute Contractor.

ARTICLE 7. ASSIGNMENT

7.1 Pursuant to §109 of the General Municipal Law, the Contractor is prohibited from assigning, transferring, conveying, subcontracting, or otherwise disposing of this Agreement, or of its right, title or interest therein, to any other person or entity without the prior written consent of the County.

7.2 The Contractor shall not subcontract for any portion of the services required under this Agreement without the prior written approval of the County. Any such subcontractor shall be subject to the terms and conditions of this Agreement and any additional terms and conditions the County may deem necessary or appropriate.

ARTICLE 8. AVAILABLE DATA

All technical or other data relative to this Agreement in the possession of the County or in the possession of the Contractor shall be made available to the other party to this Agreement without expense to the other party.

ARTICLE 9. COOPERATION

Contractor shall cooperate with the agents, representatives, and employees of the County and the County shall cooperate with the agents, representatives, and employees of the Contractor to ensure that the work delineated herein proceeds and concludes as expeditiously as possible.

ARTICLE 10. NON-DISCRIMINATION

In accordance with Article 15 of the Executive Law (also known as the Human Rights Law), and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor agrees that neither it nor its County-approved subcontractors shall, by reason of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, or marital status refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions, or privileges of employment.

ARTICLE 11. EXTRA WORK

If the Contractor is of the opinion that any work it has been directed to perform is beyond the scope of this Agreement and constitutes extra work, the Contractor shall promptly notify the County of that opinion. The County shall reasonably determine whether or not such work is in fact beyond the scope of this Agreement and whether or not it constitutes extra work. In the event the County determines such work does constitute extra work, it shall provide extra compensation to the Contractor on a negotiated basis.

ARTICLE 12. COMPLIANCE WITH MACBRIDE PRINCIPLES

Contractor hereby represents that it is in compliance with the MacBride Principles of Fair Employment as set forth in Albany County Local Law No. 3 for 1993, in that Contractor either (a) has no business operations in Northern Ireland; or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles, and shall permit independent monitoring of its compliance with such principles. In the event of a violation of this stipulation, the County reserves all rights to take remedial measures as authorized under § 4 of the said Local Law No. 3 for 1993 including, but not limited to, imposing sanctions, enforcing compliance, recovering damages, declaring the Contractor in default, and/or seeking debarment or suspension of the Contractor.

ARTICLE 13. IRANIAN ENERGY SECTOR DIVESTMENT

Contractor hereby represents that Contractor is in compliance with New York State General Municipal Law Section 103-g entitled "Iranian Energy Sector Divestment," in that Contractor has not:

(a) Provided goods or services of $20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or

(b) Acted as a financial institution and extended $20 Million or more in credit to another person for forty-five (45) days or more, if that person's intent was to use the credit to provide goods or services in the energy sector in Iran.

ARTICLE 14. RELATIONSHIP OF THE PARTIES

Contractor is, and will function as, an independent Contractor under the terms of this Agreement, and shall not be considered an agent or employee of the County for any purpose. The agents, representatives, and employees of the Contractor shall not in any manner be, or be held out to be, the agents, representatives, or employees of the County.

ARTICLE 15. INDEMNIFICATION

Contractor shall defend, indemnify, and save harmless the County, and its employees, from and against any and all claims, damages, losses, and expenses (including, but not limited to, reasonable attorney's fees) arising out of or in consequence of any third party claim to the extent caused by the negligent or intentionally wrongful act or omission of the Contractor, its agents, representatives, or employees, to the extent of its or their responsibility for such claims, damages, losses, or expenses.

ARTICLE 16. INSURANCE COVERAGE

16.1 Contractor shall procure and maintain for the entire term of this Agreement, without additional expense to the County, insurance policies of the kinds and in the amounts provided in the Schedule A attached hereto and made a part hereof. The insurance policies shall name the County as an additional insured. Such policies may only be changed upon thirty (30) days prior written approval by the County.

16.2 Contractor shall, prior to commencing any of the services outlined herein, furnish the County with Certificates of Insurance showing that the requirements of this article have been met. The Contractor shall also provide the County with updated Certificates of Insurance prior to the expiration of any previously-issued certificate(s). No work shall be commenced under this Agreement until the Contractor has delivered the Certificates of Insurance to the County. Upon failure of the Contractor to furnish, deliver, and maintain such insurance certificates as provided above, the County may declare this Agreement suspended, discontinued, or terminated.

16.3 As required by Section 108 of the N.Y. General Municipal Law, this Agreement shall be of no force and effect unless the Contractor shall secure compensation for the benefit of, and keep insured during the life of this Agreement, all employees engaged thereon in compliance with the provisions of the N.Y. Workers' Compensation Law. The Contractor shall require any subcontractor authorized by the County to do likewise for all of their employees engaged thereon, all in compliance with the provisions of the N.Y. Workers' Compensation Law and of Schedule A of this Agreement.

ARTICLE 17. NON-COLLUSIVE BIDDING

By execution of this Agreement, Contractor warrants, under penalty of perjury, that to the best of knowledge and belief, the prices communicated to the County in establishing the costs of goods and services covered in this Agreement have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition. Contractor warrants that it is in compliance with NYS General Municipal Law Sec. 103-d with regard to the prices of goods and services covered in this Agreement.

ARTICLE 18. NO WAIVER OF PERFORMANCE

Failure of either party to insist upon strict and prompt performance of the provisions of this Agreement, or any of them, and the acceptance of such performance thereafter shall not constitute or be construed as a waiver or relinquishment of said party's right thereafter to enforce the same strictly according to the tenor thereof in the event of a continuous or subsequent default on the part of the other party.

ARTICLE 19. ACCOUNTING RECORDS

19.1 Contractor shall maintain complete and proper accounting records that shall clearly identify all costs associated with and revenue derived from the work performed under this

Agreement. Such records shall be subject to periodic and final audit by the County upon request.

19.2 Contractor shall provide the County and authorized State and/or Federal personnel access to any and all books, documents, records, charts, software, or any other information relevant to performance under this Agreement, immediately upon request.

19.3 Contractor shall retain all of the above information for six (6) years after final payment or the termination of this Agreement, and shall make such information available to the County and authorized State and/or Federal personnel during such period.

ARTICLE 20. NON-APPROPRIATIONS

Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by or are otherwise unavailable to the County for payment under this Agreement. The County will immediately notify the Contractor of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to the County of any kind whatsoever, except as to those portions herein agreed upon for which funds shall have been appropriated and budgeted.

ARTICLE 21. CHANGE IN LEGAL STATUS OR DISSOLUTION

During the term of this Agreement, the Contractor agrees that, in the event of its reorganization or dissolution as a business entity or change in business, the Contractor shall give the County thirty (30) days written notice in advance of such event.

ARTICLE 22. LICENSES

The Contractor shall at all times obtain and maintain all licenses required by New York State, or other relevant regulating body, to perform the services required under this Agreement.

ARTICLE 23. PARTIAL INVALIDITY

If any term, part, provision, section, subdivision, or paragraph of this Agreement shall be held to be unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions, or paragraphs.

ARTICLE 24. HEADINGS – CONSTRUCTION

The headings appearing in this Agreement are for the purpose of easy reference only and shall not be considered a part of the Agreement or in any way to modify, amend or affect the provisions hereof.

ARTICLE 25. NOTICES

All notices, consents, waivers, directions, requests, or other instruments or communications provided for under this Agreement shall be deemed properly given if, and only if, delivered personally, sent by registered or certified United States mail, postage prepaid, or, with the prior consent of the receiving party, dispatched via facsimile transmission.

ARTICLE 26. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. The parties agree that the designated venue is Albany County, New York.

ARTICLE 27. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties and no representations or promises have been made except as expressly set forth herein.

ARTICLE 28. MODIFICATION

This Agreement may only be modified by a formal written amendment executed by the parties.

ARTICLE 29. EXECUTION OF DOCUMENTS

This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement, but all of which together shall constitute one and the same instrument.

(The Rest Of This Page Left Intentionally Blank)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) hereunder set forth.

COUNTY OF ALBANY

DATED: 9/16/2020

BY: _____
Daniel P. McCoy
Albany County Executive
or
Daniel C. Lynch, Esq.
Deputy County Executive

CAPITAL MARKETS ADVISORS, L.L.C.

DATED: _____

BY: _____
President

STATE OF NEW YORK)
COUNTY OF ALBANY___) SS.:

On the ____ day of _____, 2020, before me, the undersigned, personally appeared Daniel P. McCoy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY___) SS.:

On the 16th day of September, 2020, before me, the undersigned, personally appeared Daniel C. Lynch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC
JOHN W. LIGUORI
Notary Public, State of New York
Qualified in Albany County
No. 5012488
Commission Expires June 15 2023

STATE OF NEW YORK)
COUNTY OF ~~ALBANY~~ Nassau) SS.:

On the 1st day of September, 2020, before me, the undersigned, personally appeared Richard Tortora personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Linda Lorentz
NOTARY PUBLIC

LINDA LORENTZ
Notary Public - State of New York
NO. 01LO6134119
Qualified in Erie County
My Commission Expires 9/26/21

P. DAVID SOARES
DISTRICT ATTORNEY

CHRISTOPHER D. HORN
DEPUTY CHIEF ASSISTANT
DISTRICT ATTORNEY

CHERYL K. FOWLER
CHIEF ASSISTANT DISTRICT ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY JUDICIAL CENTER
6 LODGE STREET
ALBANY, NEW YORK 12207
(518) 487-5460 - FAX: (518) 487-5093

November 8, 2023

Andrew Joyce
Albany County Legislature
112 State St, Room 700
Albany, NY 12207

Dear Mr. Joyce,

I am requesting legislative action to further the mission on the Office of the Albany County District Attorney. The attached resolution seeks permission to:

- The Office of the Albany County District Attorney is requesting to move funds from budget lines 19970, 19900D, 130186, 44046, 130171, 130124, 130125, 130126, 130127, and 130128 into the Overtime (19900) and Computer Equipment (22050) lines in order to both balance negative lines and potential shortfalls and also to fund our share of the Courtroom Modernization project being spearheaded by the Unified Court System.

Attached is the request for legislative action and supporting documents. If you have any questions, please feel free to contact me at 518-275-4701

Thank you for your assistance.

Sincerely,

P. David Soares
Albany County District Attorney

Cc: Rebekah Kennedy, Majority Counsel
Cc: Arnis Zilgme, Minority Counsel

REQUEST FOR LEGISLATIVE ACTION

The Office of the Albany County District Attorney is requesting to move funds from budget lines 19970, 19900D, 130186, 44046, 130171, 130124, 130125, 130126, 130127, and 130128 into the Overtime (19900) and Computer Equipment (22050) lines in order to both balance negative lines and potential shortfalls and also to fund our share of the Courtroom Modernization project being spearheaded by the Unified Court System.

Date:	11/6/2023
Submitted By:	David Soares
Department:	1165- District Attorney
Title:	District Attorney
Phone:	518-275-4701
Department Rep. Attending Meeting:	David Soares, Christopher Horn

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) _____

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

☐ Contractual
☒ Equipment
☐ Fringe
☒ Personnel
☒ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: 19900; 22050
Source of Funds:
19970
19900D
130186
44046
130171
130124
130125
130126
130127
130128

Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee:
Scope of Services:

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☐ No ☒
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line:
Appropriation Amount: Click or tap here to enter text.

Source of Funding – (Percentages)

Federal:	0%
State:	0%
County:	100%
Local:	0%

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

The Office of the Albany County District Attorney seeks to balance a negative budget line for Overtime (19900) in the amount of $39,614.89. We are looking to correct that overage by moving $25,000 from Temporary Help (9970) and $30,000 from the Discovery Grant Overtime line (19900D) to the Overtime line (19900). This totals $55,000 and should cover overtime expenses through the end of the year.

We have also been presented with an opportunity from the Unified Court System (UCS) to upgrade the four main courtrooms in the Judicial Center, the Grand Jury Room, Jury Deliberation rooms, and the Jury Assembly room. Albany County's contribution would be $50,000 per courtroom for a total of $250,000 at most. This investment is the intended purpose for the transferring of various unused funds into our computer equipment budget line. A separate RLA has been submitted for authorization to enter into a Memorandum of Understanding with UCS towards this end.

UCS will be investing far more money per courtroom than we will be and they will also provide all installation and support for the equipment that is installed. With UCS handling installation, support, replacements, and coordination, our dollars go further. Their significant per courtroom investment, combined with our contribution, allows for a complete and future proof modernization.

Technology is transforming our justice system, and an investment today will secure Albany County's courts for the future. By contributing to the Unified Court System's technological upgrade program, the District Attorney's office capitalizes on a unique opportunity to enhance justice system interoperability to benefit all stakeholders. Our reasonable contribution, coupled with UCS's major investment, allows the installation of cutting-edge infrastructure for presenting digital evidence in our courtrooms. This equips our county to meet the exponential growth in technological evidence that the pursuit of justice now demands. The benefits are immense - seamless collaboration between the DA, Public Defender, Court Judges, and Commissioner of Jurors to achieve more equitable outcomes. Most importantly, it brings our courts into the 21st century for the people we serve. We have a responsibility to leverage partnerships that provide superior access and engagement with justice proceedings.

The program dollars from the Office of the Albany County District Attorney is a fraction of UCS's fiscal commitment. This unique opportunity presents itself at a time when this office is in the midst of long-term planning for upgrades to keep up with the exponential growth of technological evidence and the demands and expectations of the public for seamless access.

APPROPRIATIONS

ACCOUNT NO.		RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
A9 1165 1 19970		Temporary Help		$ 25,000.00		District Attorney
A9 1165 1 19900D		Overtime - Discovery		$ 30,000.00		District Attorney
A9 1165 1 19900		Overtime	$ 55,000.00			District Attorney
A9 1165 1 14020	130186	Criminal Forensic Auditor		$ 76,700.00		District Attorney
A9 1165 1 44046		Fees for Services		$ 125,000.00		District Attorney
A9 1165 1 12726	130171	Network & Systems Tech		$ 20,000.00		District Attorney
A9 1165 1 12011	130124	ADA VI		$ 17,000.00		District Attorney
A9 1165 1 12011	130125	ADA VI		$ 17,000.00		District Attorney
A9 1165 1 12012	130126	ADA V		$ 30,000.00		District Attorney
A9 1165 1 12012	130127	ADA V		$ 30,000.00		District Attorney
A9 1165 1 12012	130128	ADA V		$ 70,000.00		District Attorney
A9 1165 1 22050		Computer Equipment	$ 385,700.00			District Attorney
		TOTAL APPROPRIATIONS	$ 440,700.00	$ 440,700.00		

ESTIMATED REVENUES

ACCOUNT NO.	RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
	TOTAL ESTIMATED REVENUES	$ -	$ -		
	GRAND TOTALS	$ 440,700.00	$ 440,700.00		

P. DAVID SOARES
DISTRICT ATTORNEY

CHRISTOPHER D. HORN
DEPUTY CHIEF ASSISTANT
DISTRICT ATTORNEY

CHERYL K. FOWLER
CHIEF ASSISTANT DISTRICT ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY JUDICIAL CENTER
6 LODGE STREET
ALBANY, NEW YORK 12207
(518) 487-5460 - FAX: (518) 487-5093

November 8, 2023

Andrew Joyce
Albany County Legislature
112 State St, Room 700
Albany, NY 12207

Dear Mr. Joyce,

I am requesting legislative action to further the mission on the Office of the Albany County District Attorney. The attached resolution:

- Requests to move funds to cover negative balances and/or shortfalls. Specifically, we are asking to move $5,000 from 19970 Temp Help to Sick Leave Incentive 19850. We are also asking to move $1,200 from 19970 Temp Help to Clothing Allowance 19980.

Attached is the request for legislative action and supporting documents. If you have any questions, please feel free to contact me at 518-275-4701

Thank you for your assistance.

Sincerely,

P. David Soares
Albany County District Attorney

Cc: Rebekah Kennedy, Majority Counsel
Cc: Arnis Zilgme, Minority Counsel

REQUEST FOR LEGISLATIVE ACTION

The Office of the Albany County District Attorney is requesting to move to cover negative balances and/or shortfalls. Specifically, we are asking to move $5,000 from 19970 Temp Help to Sick Leave Incentive 19850. We are also asking to move $1,200 from 19970 Temp Help to Clothing Allowance 19980.

Date:	11/8/2023
Submitted By:	David Soares
Department:	1165- District Attorney
Title:	District Attorney
Phone:	518-275-4701
Department Rep.	
Attending Meeting:	David Soares, Christopher Horn

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) _____

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☒ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: 19980; 19850
Source of Funds: 19970

Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee:
Scope of Services:

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☐ No ☒
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line:
Appropriation Amount: Click or tap here to enter text.

Source of Funding – (Percentages)

Federal:	0%
State:	0%
County:	100%
Local:	0%

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
The Office of the Albany County District Attorney is requesting to move to cover negative balances and/or shortfalls. Specifically, we are asking to move $5,000 from 19970 Temp Help to Sick Leave Incentive 19850. We are also asking to move $1,200 from 19970 Temp Help to Clothing Allowance 19980. This will also satisfy a previously existing contractual obligation to union members.

APPROPRIATIONS

ACCOUNT NO.	RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
A9 1165 1 19970	Temporary Help		$ 6,200.00		District Attorney
A9 1165 1 19850	Sick Leave Incentive	$ 5,000.00			District Attorney
A9 1165 1 19980	Clothing Allowance	$ 1,200.00			District Attorney
	TOTAL APPROPRIATIONS	$ 6,200.00	$ 6,200.00		

ESTIMATED REVENUES

ACCOUNT NO.	RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
	TOTAL ESTIMATED REVENUES	$ -	$ -		
	GRAND TOTALS	$ 6,200.00	$ 6,200.00		

ALBANY COUNTY
BOARD OF ELECTIONS
224 S. Pearl St Albany, NY 12202
(518) 487-5060 • Fax (518) 487-5077
boardofelections@albanycounty.com
www.albanycounty.com/vote

Commissioners
RACHEL L. BLEDI
KATHLEEN A. DONOVAN

Deputy Commissioners
MELISSA KERMANI
DAVID CADY

MEMO

TO: Andrew Joyce, Chairman of the Legislature
Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Dave Reilly, Commissioner of Management &Budget

FROM: Rachel Bledi, Board of Elections Republican Commissioner
Kathleen Donovan, Board of Elections Democratic Commissioner

RE: 2022 Amended Chargeback Certification

DATE: 11/03/2023

Please be advised that the Albany County Board of Elections is seeking approval of the chargeback certification for costs associated with the 2022 Primary and General Elections. Local Municipalities will be billed for their share of election costs.

Annexed hereto is the copy of the Certification. If you have any questions, please feel free to contact us.

REQUEST FOR LEGISLATIVE ACTION

Chargeback Certification for Albany County Board of Elections

---

Date:	11/03/2023
Submitted By:	Rachel Bledi
Department:	Albany County Board of Elections
Title:	Commissioners
Phone:	518/-487-5070
Department Rep. Attending Meeting:	Rachel Bledi and Kathleen Donovan

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☒ Other: (state if not listed) Approval of chargeback certification

---

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.:	Click or tap here to enter text.
Source of Funds:	Click or tap here to enter text.
Title Change:	Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line: A1450 02216
Revenue Amount: 1,146,728.93

Appropriation Account and Line: A1450 44975, 44074
Appropriation Amount: 1,146,728.93

Source of Funding – (Percentages)

Federal:	Click or tap here to enter text.
State:	Click or tap here to enter text.
County:	Click or tap here to enter text.
Local:	Click or tap here to enter text.

Term

Term: (Start and end date)	Click or tap here to enter text.
Length of Contract:	Click or tap here to enter text.

Impact on Pending Litigation	Yes ☐ No ☒
If yes, explain:	Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number:	Click or tap here to enter text.
Date of Adoption:	Click or tap here to enter text.

Justification:

Approval of certification required to chargeback municipalities for costs associated with the 2022 primary and general elections.

Albany County
Board of Elections

COMMISSIONERS OF ELECTION
RACHEL L. BLEDI
REPUBLICAN
KATHLEEN DONVAN
DEMOCRATIC

260 SOUTH PEARL STREET
ALBANY, NEW YORK 12202
OFFICE HOURS: 8:30 AM to 4:30 PM
TELEPHONE: (518) 487-5060
FAX: (518) 487-5077
WWW.ALBANYCOUNTY.COM/VOTE

DEPUTY COMMISSIONERS
DAVID CADY (D)
MELISSA KERMANI (R)

Chargeback Certification for 2022

We, the undersigned Commissioners of Elections, do hereby certify that the attached report contains a true and accurate accounting of expenditures attributed to each municipality during the 2022 election cycle.

Rachel Bledi
Republican Commissioner

Kathleen Donovan
Democratic Commissioner

2022 Chargebacks

	Enrollment	Election Day Staff, Inspectors, Custodians, Party Reps & Red bag pick-up	Fees for Services, Arnoff Moving Co.	Travel Mileage for Custodians	Poll Site Fees	Early Voting Inspectors	Early Voting poll site fee	2022 Totals
Albany	50,522	$ 305,902.57	$15,005.79		$ 21,217.00	$ 47,265.12	$ 6,078.81	$ 395,469.29
Cohoes	10,296	$ 73,913.75	$3,058.07	$ 11.70	$ 2,265.00	$ 9,632.27	$ 1,238.82	$ 90,119.60
Watervliet	5,423	$ 39,668.61	$1,610.71	$ 10.25	$ 1,500.00	$ 5,073.41	$ 652.50	$ 48,515.48
Berne	2,209	$ 10,800.00	$656.11		$ 450.00	$ 2,066.60	$ 265.79	$ 14,238.49
Bethlehem	26,973	$ 85,819.84	$8,011.39	$ 12.87	$ 2,100.00	$ 25,234.20	$ 3,245.39	$ 124,423.69
Coeymans	4,860	$ 17,423.13	$1,443.49	$ 36.01	$ 1,125.00	$ 4,546.70	$ 584.76	$ 25,159.09
Colonie	59,008	$ 157,436.44	$17,526.26	$ 124.84	$ 5,275.00	$ 55,204.07	$ 7,099.85	$ 242,666.46
Green Island	1,688	$ 12,750.00	$501.36	$ 41.25	$ 300.00	$ 1,579.18	$ 203.10	$ 15,374.90
Guilderland	25,408	$ 82,671.00	$7,546.56	$ 92.75	$ 2,325.00	$ 23,770.08	$ 3,057.09	$ 119,462.48
Knox	2,027	$ 7,934.00	$602.05			$ 1,896.33	$ 243.89	$ 10,676.27
New Scotland	7,193	$ 23,868.73	$2,136.43	$ 99.82	$ 1,125.00	$ 6,729.31	$ 865.46	$ 34,824.75
Rensselaerville	1,451	$ 9,900.00	$430.97		$ 900.00	$ 1,357.46	$ 174.58	$ 12,763.02
Westerlo	2,410	$ 9,775.00	$715.81			$ 2,254.64	$ 289.97	$ 13,035.42
TOTAL	**199,468**	**$ 837,863.07**	**$ 59,245.00**	**$ 429.49**	**$ 38,582.00**	**$ 186,609.37**	**$ 24,000.00**	**$ 1,146,728.93**

Daniel P. McCoy
County Executive

Mark S. Olsen
Executive Director

November 5th, 2023

The Honorable Andrew Joyce
Chairman, Albany County Legislature
Legislative Clerk's Office
112 State Street, Suite 710
Albany, New York 12207

Dear Chairman Joyce:

Shaker Place Rehabilitation and Nursing Center respectfully requests bonding authorization for the Shaker Place Garage and Parking Lot Extension in the amount $9,295,000. The Shaker Place Garage and Parking Lot Extension project is part of the Albany County 2024 – 2028 Capital Plan adopted per resolution 344 of 2023.

The project consists of the construction of a multi-use facility to store and maintain Shaker Place vehicles along with providing the Albany County Department of Public works with modern facilities at the departments Colonie site. Reimbursement for the amount of the facility utilized by Shaker Place will be claimed as a capital asset and reported on Shaker Places cost report.

If any additional information is required, please do not hesitate to contact me.

Sincerely,

Mark S. Olsen
Executive Director

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4817, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE BORROWING FOR THE SHAKER PLACE GARAGE AND PARKING LOT EXTENSION IN THE AMOUNT OF $9.295 MILLION AS PART OF THE ALBANY COUNTY 2024 - 2028 CAPITAL PLAN

Date:	11/5/2023
Submitted By:	SHAWN THELEN
Department:	SHAKER PLACE REHABILIATION AND NURSING CENTER
Title:	DEPUTY EXECUTIVE DIRECTOR
Phone:	518-447-7108
Department Rep. Attending Meeting:	Click or tap here to enter text.

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☒ Bond Approval
☐ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe

☐ Personnel
☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐

Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: 100
Local: Click or tap here to enter text.

Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☐
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: RESOLUTION 344 OF 2023
Date of Adoption: 8/14/2023

Justification: (state briefly why legislative action is requested)
Shaker Place Rehabilitation and Nursing Center is requesting authorization to bond for the Shaker Place Garage and Parking Lot Extension Project which is part of the Albany County 2024 - 2028 Capital Plan adopted under Resolution 344 of 2023. The project is for a multi-use facility for the storage and maintenance of Shaker Place vehicles along with providing updated facilities for the Albany County Department of Public Works at the Colonie site.

RESOLUTION NO. 344

ADOPTING THE ALBANY COUNTY CAPITAL PROGRAM FOR 2024-2028

Introduced: 8/14/23
By Audit and Finance Committee:

WHEREAS, The Albany County Charter, Art. 6, Sec. 609(b) requires the Albany County Legislature to adopt the Capital Program each year, and

WHEREAS, The County Executive has prepared and submitted a five-year Capital Program for 2024-2028 to this Honorable Body which includes a summary of projects, a list of all capital improvements proposed to be undertaken during the next five fiscal years, cost estimates and recommended time schedules for each improvement, and the proposed methods of financing the facilities to be constructed or acquired, and

WHEREAS, The Clerk of the Legislature published a summary of the Capital Program and public hearing notice in the official newspapers stating the times and locations where copies of the Capital Program have been available for inspection by the public, and

WHEREAS, This Honorable Body held said public hearing on July 25th, 2023, as published, now, therefore, be it

RESOLVED, That the 2024-2028 Capital Program as set forth in the published summary is hereby adopted by this Honorable Body, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Albany County Nursing Home Vehicle Replacement

Project Number: N1901
Project Status: New 1 Existing Amended
Affiliated Bond Account(s): HNN0
Amendment(s):

Albany County Nursing Home is in need of replacing our current vehicle fleet. The vehicles have been in service for over 15 years without replacement and are at end of life. It is our plan to replace the entire fleet over the next 2 years.

Year	Pre 2023	2023	2024	2025	2026	2027	2028	Total
County	0.350							0.350
Other								-
Total County Cost	0.350	-	-	-	-	-	-	0.350

Shaker Place Garage and Parking Lot Extension

Project Number: N2201
Project Status: New Existing 1 Amended
Affiliated Bond Account(s):
Amendment(s):
2023-2027 Increase costs.
2024-2028 Pushout end date into 2024 and distribute needed funding over two years.

To construct a new garage to house the vehicles of Shaker Place Rehabilitation and Nursing Center and to create additional parking facilities across the street at the current DPW worksite. These projects will require the demolishing of buildings on the Shaker Place property and DPW. The new structure will be utilized by both departments. And will include appropriate climate equipment, offices, storage compartments and the roadway to the location will require site work, paving, electric and plumbing. This facility will be utilized by the Department of Public Works as well as Shaker Place and reimbursement will be sought for the portion of the facility that will be utilized by Shaker Place.

Year	Pre 2023	2023	2024	2025	2026	2027	2028	Total
County		3.718	5.577					9.295
Other								-
Total County Cost	-	3.718	5.577	-	-	-	-	9.295

Day Care Center

Project Number: N2202
Project Status: New 1 Existing Amended
Affiliated Bond Account(s): HNNA
Amendment(s):
2023-2027 Update funding needs.

Shaker Place will be renovating/constructing the vacant Shaker Place Wing into a child day care center, following the requirements of the New York Office of Children and Family Services, Division of Child Care Services. This project will include the renovation of ex-isting rooms to suite the child day care program, install and or update the sprinkler and fire alarm system, replace all windows, lighting, bathrooms, flooring and electrical panels and wiring, install HVAC system for air conditioning and heating, create a fenced in outdoor playground, conduct asbestos survey and remove as required by regulation, install security cameras and monitoring system, create new front entrance and furnishings.

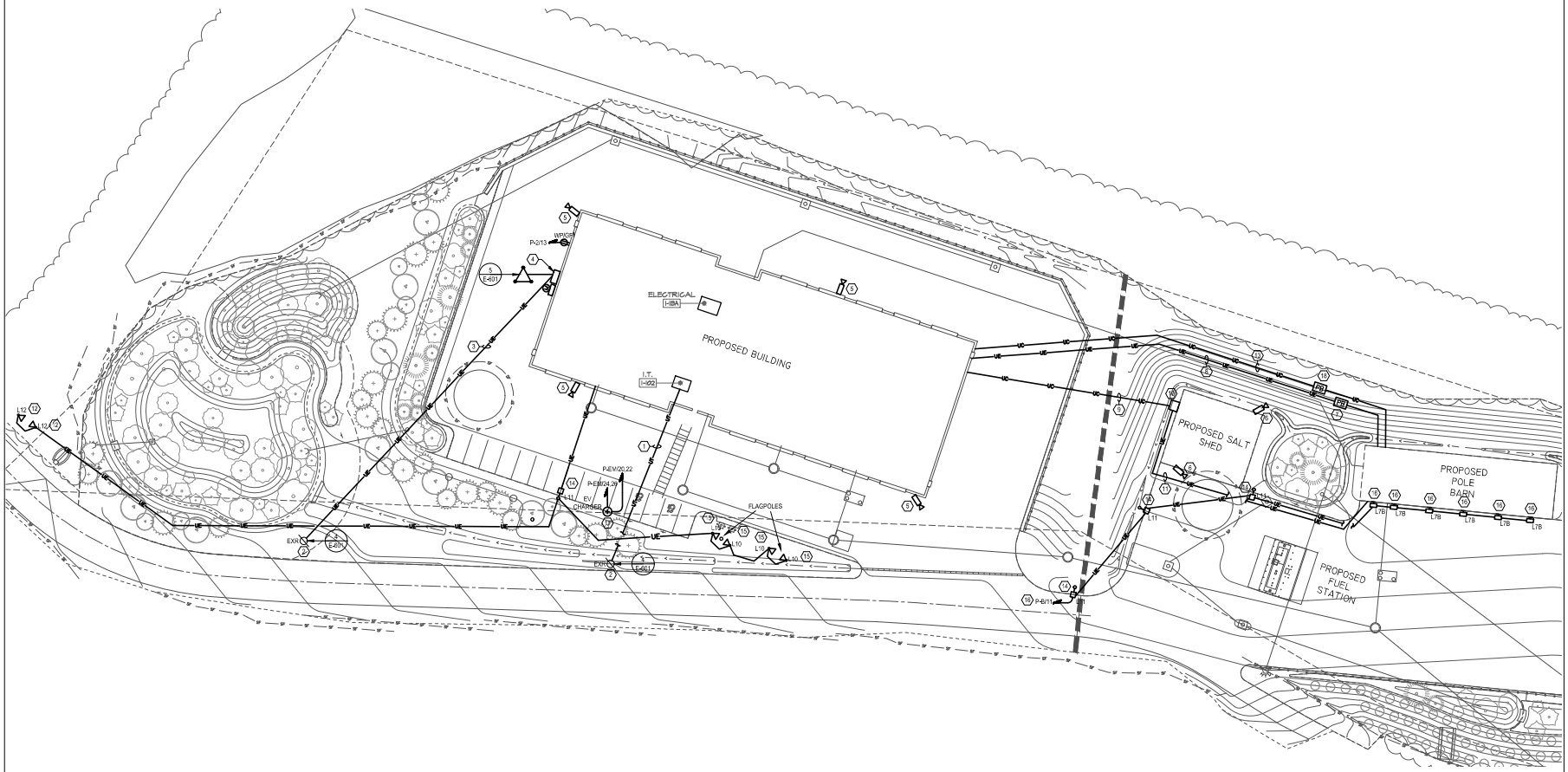
Year	Pre 2023	2023	2024	2025	2026	2027	2028	Total
County	4.557	-	-	-	-	-	-	4.557
Other								-
Total County Cost	4.557	-	-	-	-	-	-	4.557

Albany County Nursing Home Capital Plan Summary: All Projects

New Projects:	0							
Existing Projects:	14							
Amended Projects:	1							
Year	Pre 2023	2023	2024	2025	2026	2027	2028	Total
County	87.807	3.718	5.577	-	-	-	-	97.102
Other	-	-	-	-	-	-	-	-
Total County Cost	87.807	3.718	5.577	-	-	-	-	97.102

DRAWING NOTES

1. PROVIDE (2) 2" CONDUITS FROM UTILITY RISER POLE TO IT ROOM 1-102.
2. EXISTING TO REMAIN UTILITY RISER POLE.
3. PROVIDE (2) SETS OF (4) 500MCM IN 4"C AND (1) 4" SPARE CONDUIT. PROVIDE 10' OF SLACK AT TOP OF RISER POLE FOR UTILITY COMPANY TERMINATIONS.
4. PROVIDE UTILITY COMPANY APPROVED CT CABINET NEMA 3R.
5. PROVIDE EXTERIOR SECURITY CAMERA WITH (1) CAT6 CABLE BACK TO IT RACK AND LAND ON PATCH PANEL AS DIRECTED BY OWNER'S IT DEPARTMENT. REFER TO DETAIL 6/E-600 FOR ADDITIONAL REQUIREMENTS.
6. PROVIDE EXTERIOR SECURITY CAMERA WITH (1) CAT6 CABLE BACK TO NEMA 3R ENCLOSURE AND LAND ON POE INJECTOR SWITCH. REFER TO DETAIL 6/E-600 FOR ADDITIONAL REQUIREMENTS.
7. PROVIDE 12"W X 18"L X 18"D IN GRADE QUAZITE BOX WITH TIER 8 (2) BOLT COVER. "QUAZITE "PG" STYLE OR APPROVED EQUAL). PROVIDE ENGRAVED LID TO SAY "ELECTRICAL".
8. PROVIDE (4) #1/0 & (1) #4G IN 2"C TO ENERGIZE ELECTRICAL PANEL P-8.
9. PROVIDE (1) 1-1/2"C FOR LOW VOLTAGE CABLING. PROVIDE 6 STRAND MM FIBER CABLE FROM IT RACK LOCATED IN IT ROOM 1-102 TO BUILDING MOUNTED SECURITY CAMERA NETWORK SWITCH NEMA 3R ENCLOSURE. REFER TO DETAIL 2/E-602 FOR ADDITIONAL DETAILS.
10. PROVIDE SECURITY CAMERA NETWORK SWITCH NEMA 3R ENCLOSURE WITH POE INJECTOR SWITCHES FOR (2) SECURITY CAMERAS.
11. PROVIDE (2) #1/0 & (1) #10G IN 1"C FROM ELECTRICAL PANEL P-8/9 FOR SECURITY CAMERAS.
12. PROVIDE FLOOD LIGHTS FOR SITE SIGNAGE AND ENERGIZE THROUGH LIGHTING CONTACTOR WITH (2) #6 & (1) #6G IN 1"C.
13. PROVIDE (2) 1-1/2"C FOR LOW VOLTAGE CABLING.
14. PROVIDE LIGHT POLE CONCRETE BASE. REFER TO DETAIL 1/E-602 FOR ADDITIONAL REQUIREMENTS.
15. PROVIDE FLOOD LIGHTING FOR FLAG POLES. COORDINATE FINAL LOCATION WITH GC PRIOR TO ROUGH-IN. ENERGIZE THROUGH LIGHTING CONTACTER WITH (2) #6 & (1) #6G IN 1"C.
16. PROVIDE (2) #8 & (1) #10G IN 1"C FOR SITE LIGHTING. SITE LIGHTS TO BE CONTROLLED THROUGH ELECTRONIC TIME CLOCK LOCATED IN STORAGE BUILDING.
17. PROVIDE (2) 208V/1PH 40A ELECTRICAL CONNECTIONS TO ELECTRIC EV CHARGERS WITH (2) SETS OF (2) #8, (1) #8N & (1) #10G IN 1"C. COORDINATE FINAL LOCATION AND FINAL EV CHARGER SPECIFICATIONS WITH OWNER PRIOR TO ROUGH-IN.
18. PROVIDE 12"W X 18"L X 18"D IN GRADE QUAZITE BOX WITH TIER 8 (2) BOLT COVER. "QUAZITE "PG" STYLE OR APPROVED EQUAL). PROVIDE ENGRAVED LID TO SAY "COMMUNICATION".



SITE PLAN

SCALE: 1" = 30' - 0"

1
E-101

Angerame Architects, P.C.
Architecture
Planning
Interior Design

30 Essex St.
Albany
New York 12206
P 518 454 9300
F 518 454 9333
W angeramearchitects.com

Project

ALBANY COUNTY SHAKER PLACE & D.P.W.

NEW VEHICLE STORAGE FACILITY

Construction Documents

Hill House Road
Albany, New York 12211

Consultants

Civil Engineer:
studioA, Landscape Architecture & Enigeering D.P.C.
38 High Rock Ave, Suite 3
Saratoga Springs, NY 12866
Phone: (518) 852-4005

Structural Engineer:
studioA, Landscape Architecture & Enigeering D.P.C.
38 High Rock Ave, Suite 3
Saratoga Springs, NY 12866
Phone: (518) 852-4005

Mechanical/Plumbing/Electric Engineer:
Engineered Solutions
646 Plank Rd. #104 Clifton Park, NY 12065
Phone: (518) 280-2410

Revisions

Construction Drawings
NOT FOR CONSTRUCTION

Title

SITE PLAN

Do not scale drawings - use dimensions shown, verify all dimensions on site. Unauthorized alterations or additions to this document is a violation of Sec. 7209 Sub. 2 of the NYS Education Law. Copyright 2023 Angerame Architects, P.C. All rights reserved. No part or portion of this material is permitted without the express written consent of Angerame Architects, P.C.

Drawing Number

E-101

Date: October 3, 2023

Shaker Place
REHABILITATION & NURSING CENTER

Daniel P. McCoy
County Executive

Mark S. Olsen
Executive Director

August 2, 2023

The Honorable Andrew Joyce
Chairman, Albany County Legislature
Legislative Clerk's Office
112 State Street, Suite 710
Albany, New York 12207

Dear Chairman Joyce:

Shaker Place Rehabilitation and Nursing Center respectfully requests to amend its 2023 budget.

This request is being made in order to properly fund a shift in labor costs; including overtime, per diem positions, agency staffing, and associated personnel expenses. Also included are adjustments to utility, food, laundry/linen, nursing and dietary equipment, and equipment maintenance and repair costs. Since we are utilizing empty budget lines to fund the above, these revisions will be budget neutral.

We are currently in a campaign to actively recruit full and part-time positions with a goal to rely less on agency and per diem positions.

If any additional information is required, please do not hesitate to contact me.

Sincerely,

Mark S. Olsen
Executive Director

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

100 Heritage Lane, Albany, NY 12211 | T: (518) 869-2231 | F: (518) 869-1713 | www.shakerplace.org

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4490, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Authorization for Administrative Adjustments

Date:	August 2, 2023
Submitted By:	Mark Olsen
Department:	Shaker Place Rehabilitation and Nursing Center
Title:	Executive Director
Phone:	518-213-8955
Department Rep. Attending Meeting:	Mark Olsen

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☒ Contractual
☒ Equipment
☒ Fringe
☒ Personnel
☒ Personnel Non-Individual

☐ Revenue

Increase Account/Line No.: See Attachment
Source of Funds: See Attachment
Title Change: N/A

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Shaker Place Rehabilitation and Nursing Center
100 Heritage Lane
Albany, New York 12211

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: See Attachment
Scope of Services: Shaker Place Rehabilitation and Nursing Center is requesting to amend the 2023 budget to fund budget lines. These revisions will be budget neutral.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐

Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: See Attachment
Appropriation Amount: See Attachment

Source of Funding - (Percentages)
Federal: 0
State: 0
County: 100
Local: 0

Term
Term: (Start and end date) 1/1/2023 through 12/31/2023
Length of Contract: 12-Months

Impact on Pending Litigation Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: N/A
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
Shaker Place Rehabilitation and Nursing Center requests to adjust lines in our 2023 budget. These revisions once implemented will be budget neutral and should suffice through the 2023 year.

	ACCOUNT NO.		RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
NH6020	11312	640004	ASSISTANT ADMINISTRA		$ 38,948	$ 34,616	Shaker Place Rehabilitation and Nursing Center
NH6020	11320	640021	ASST DIRECTOR OF NUR		$ 58,418	$ 26,631	Shaker Place Rehabilitation and Nursing Center
NH6020	12122	640031	HEAD NURSE		$ 57,770	$ 14,443	Shaker Place Rehabilitation and Nursing Center
NH6020	12122	640032	HEAD NURSE		$ 57,770	$ 14,443	Shaker Place Rehabilitation and Nursing Center
NH6020	12122	640027	HEAD NURSE		$ 48,067	$ 24,146	Shaker Place Rehabilitation and Nursing Center
NH6020	12122	640023	HEAD NURSE		$ 15,667	$ 56,544	Shaker Place Rehabilitation and Nursing Center
NH6020	12125	640186	SUPERVISING NURSE		$ 61,446	$ 22,175	Shaker Place Rehabilitation and Nursing Center
NH6020	12125	640047	SUPERVISING NURSE		$ 59,368	$ 24,261	Shaker Place Rehabilitation and Nursing Center
NH6020	12125	640187	SUPERVISING NURSE		$ 28,148	$ 55,473	Shaker Place Rehabilitation and Nursing Center
NH6020	12125	640044	SUPERVISING NURSE		$ 11,311	$ 72,310	Shaker Place Rehabilitation and Nursing Center
NH6020	12126	640055	SUPERVISING NURSE PT		$ 33,449	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12126	640054	SUPERVISING NURSE PT		$ 26,759	$ 6,690	Shaker Place Rehabilitation and Nursing Center
NH6020	12126	640052	SUPERVISING NURSE PT		$ 19,640	$ 13,809	Shaker Place Rehabilitation and Nursing Center
NH6020	12126	640053	SUPERVISING NURSE PT		$ 19,619	$ 13,830	Shaker Place Rehabilitation and Nursing Center
NH6020	12128	640071	REGISTERED NURSE		$ 68,685	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12128	640085	REGISTERED NURSE		$ 65,982	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12128	640057	REGISTERED NURSE		$ 62,973	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12128	640058	REGISTERED NURSE		$ 62,973	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12128	640070	REGISTERED NURSE		$ 62,973	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12129	640094	REGISTERED NURSE PT		$ 25,190	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12129	640095	REGISTERED NURSE PT		$ 25,190	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12129	640096	REGISTERED NURSE PT		$ 25,190	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	12129	640092	REGISTERED NURSE PT		$ 20,152	$ 5,038	Shaker Place Rehabilitation and Nursing Center
NH6024	12165	640192	RESIDENT CARE COORD		$ 4,714	$ 74,197	Shaker Place Rehabilitation and Nursing Center
NH6020	12166	640214	QUAL IMPROV COORD		$ 36,087	$ 47,534	Shaker Place Rehabilitation and Nursing Center
NH6020	12181	641008	DIETICIAN TRAINEE		$ 24,254	$ 28,908	Shaker Place Rehabilitation and Nursing Center
NH6020	12717	640533	APPLICATIONS ANALYST		$ 61,784	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640158	LICENSED PRACTICAL N		$ 50,902	$ 339	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640168	LICENSED PRACTICAL N		$ 50,886	$ 355	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640165	LICENSED PRACTICAL N		$ 40,451	$ 10,790	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640169	LICENSED PRACTICAL N		$ 38,456	$ 12,785	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640153	LICENSED PRACTICAL N		$ 34,848	$ 22,522	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640141	LICENSED PRACTICAL N		$ 33,918	$ 17,323	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640779	LICENSED PRACTICAL N		$ 33,445	$ 17,796	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640130	LICENSED PRACTICAL N		$ 28,405	$ 22,835	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640150	LICENSED PRACTICAL N		$ 27,269	$ 23,972	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640155	LICENSED PRACTICAL N		$ 26,500	$ 25,499	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640174	LICENSED PRACTICAL N		$ 24,423	$ 29,722	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640175	LICENSED PRACTICAL N		$ 20,048	$ 31,193	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640152	LICENSED PRACTICAL N		$ 19,866	$ 43,226	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640185	LICENSED PRACTICAL N		$ 19,215	$ 39,217	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640137	LICENSED PRACTICAL N		$ 19,209	$ 38,153	Shaker Place Rehabilitation and Nursing Center
NH6020	13132	640138	LICENSED PRACTICAL N		$ 6,433	$ 47,712	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640167	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640178	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640181	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640183	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640777	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640780	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640781	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	650001	LPN PART TIME		$ 20,497	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640184	LPN PART TIME		$ 18,468	$ 2,029	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640125	LPN PART TIME		$ 16,397	$ 4,100	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640127	LPN PART TIME		$ 16,397	$ 4,100	Shaker Place Rehabilitation and Nursing Center
NH6020	13134	640179	LPN PART TIME		$ 16,106	$ 4,391	Shaker Place Rehabilitation and Nursing Center
NH6020	14415	640203	SECURITY GUARD		$ 13,402	$ 21,181	Shaker Place Rehabilitation and Nursing Center
NH6020	14415	640205	SECURITY GUARD		$ 10,284	$ 23,805	Shaker Place Rehabilitation and Nursing Center
NH6027	14415	640200	SECURITY GUARD		$ 4,357	$ 29,732	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640258	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640300	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640301	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640378	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640380	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640389	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640392	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640416	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640790	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640814	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640857	NURSING ASSISTANT		$ 41,614	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640230	NURSING ASSISTANT		$ 39,632	$ 1,981	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640784	NURSING ASSISTANT		$ 39,533	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640797	NURSING ASSISTANT		$ 38,492	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640810	NURSING ASSISTANT		$ 38,492	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640298	NURSING ASSISTANT		$ 37,577	$ 4,036	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640252	NURSING ASSISTANT		$ 36,339	$ 5,283	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640325	NURSING ASSISTANT		$ 35,700	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640297	NURSING ASSISTANT		$ 34,992	$ 708	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640317	NURSING ASSISTANT		$ 33,366	$ 4,414	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640286	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640287	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640289	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640291	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640315	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640316	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640339	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640346	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640369	NURSING ASSISTANT		$ 33,291	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640418	NURSING ASSISTANT		$ 33,290	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640420	NURSING ASSISTANT		$ 33,299	$ 8,323	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640333	NURSING ASSISTANT		$ 32,906	$ 8,707	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640379	NURSING ASSISTANT		$ 32,615	$ 5,165	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640314	NURSING ASSISTANT		$ 32,379	$ 3,321	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640310	NURSING ASSISTANT		$ 31,837	$ 9,776	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640251	NURSING ASSISTANT		$ 31,784	$ 6,708	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640237	NURSING ASSISTANT		$ 30,793	$ 7,699	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640243	NURSING ASSISTANT		$ 30,793	$ 7,699	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640319	NURSING ASSISTANT		$ 30,793	$ 7,699	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640373	NURSING ASSISTANT		$ 30,793	$ 7,699	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640266	NURSING ASSISTANT		$ 29,682	$ 11,932	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640265	NURSING ASSISTANT		$ 29,645	$ 11,968	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640370	NURSING ASSISTANT		$ 29,505	$ 10,828	Shaker Place Rehabilitation and Nursing Center

NH6020	15112	640294	NURSING ASSISTANT	$	28,560	$ 7,140	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640816	NURSING ASSISTANT	$	28,058	$ 9,723	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640267	NURSING ASSISTANT	$	27,884	$ 13,730	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640263	NURSING ASSISTANT	$	27,689	$ 11,844	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640274	NURSING ASSISTANT	$	27,239	$ 14,375	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640296	NURSING ASSISTANT	$	26,138	$ 15,476	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640220	NURSING ASSISTANT	$	25,960	$ 9,740	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640253	NURSING ASSISTANT	$	25,808	$ 15,606	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640273	NURSING ASSISTANT	$	23,962	$ 15,571	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640342	NURSING ASSISTANT	$	23,821	$ 14,061	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640338	NURSING ASSISTANT	$	21,665	$ 19,948	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640324	NURSING ASSISTANT	$	20,967	$ 16,613	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640245	NURSING ASSISTANT	$	18,138	$ 23,476	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640407	NURSING ASSISTANT	$	18,061	$ 20,431	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640383	NURSING ASSISTANT	$	17,317	$ 20,464	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640223	NURSING ASSISTANT	$	9,543	$ 32,670	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640321	NURSING ASSISTANT	$	5,968	$ 33,565	Shaker Place Rehabilitation and Nursing Center
NH6020	15112	640336	NURSING ASSISTANT	$	5,524	$ 36,889	Shaker Place Rehabilitation and Nursing Center
NH6021	15112	640228	NURSING ASSISTANT	$	5,019	$ 36,594	Shaker Place Rehabilitation and Nursing Center
NH6023	15112	640409	NURSING ASSISTANT	$	4,891	$ 34,642	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640829	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640830	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640831	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640832	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640833	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640834	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640835	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640836	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640837	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640838	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640958	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640959	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640960	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640961	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640962	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640963	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640964	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	650002	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	650003	NURSING ASSISTANT PT	$	14,280	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640426	NURSING ASSISTANT PT	$	11,424	$ 2,856	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640438	NURSING ASSISTANT PT	$	11,424	$ 2,856	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640452	NURSING ASSISTANT PT	$	11,424	$ 2,856	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640453	NURSING ASSISTANT PT	$	11,424	$ 2,856	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640454	NURSING ASSISTANT PT	$	11,424	$ 2,856	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640828	NURSING ASSISTANT PT	$	11,424	$ 2,856	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640448	NURSING ASSISTANT PT	$	10,930	$ 3,350	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640451	NURSING ASSISTANT PT	$	10,325	$ 3,955	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640424	NURSING ASSISTANT PT	$	9,380	$ 4,900	Shaker Place Rehabilitation and Nursing Center
NH6020	15114	640425	NURSING ASSISTANT PT	$	8,616	$ 5,664	Shaker Place Rehabilitation and Nursing Center
NH6029	15114	640450	NURSING ASSISTANT PT	$	4,164	$ 10,116	Shaker Place Rehabilitation and Nursing Center
NH6020	15116	640440	SR NURSING ASSISTANT	$	34,432	$ 8,609	Shaker Place Rehabilitation and Nursing Center
NH6020	15116	640441	SR NURSING ASSISTANT	$	34,432	$ 8,609	Shaker Place Rehabilitation and Nursing Center
NH6020	15116	640446	SR NURSING ASSISTANT	$	34,432	$ 8,609	Shaker Place Rehabilitation and Nursing Center
NH6020	15116	640447	SENIOR NURSING ASSISTANT	$	34,432	$ 8,609	Shaker Place Rehabilitation and Nursing Center
NH6020	15116	640439	SR NURSING ASSISTANT	$	25,449	$ 17,592	Shaker Place Rehabilitation and Nursing Center
NH6020	15151	650004	OCCUPATIONAL THERAPY ASSISTANT	$	36,097	$ 9,025	Shaker Place Rehabilitation and Nursing Center
NH6020	15151	641015	OCCUP THERAPY ASST	$	21,172	$ 23,950	Shaker Place Rehabilitation and Nursing Center
NH6020	15291	640499	LTA LEADER	$	27,488	$ 6,872	Shaker Place Rehabilitation and Nursing Center
NH6020	16164	640529	ACCOUNT CLERK II	$	20,462	$ 39,271	Shaker Place Rehabilitation and Nursing Center
NH6020	16194	640846	FISCAL ASSISTANT II	$	5,457	$ 35,474	Shaker Place Rehabilitation and Nursing Center
NH6020	16412	641014	RECEPTIONIST	$	14,487	$ 28,956	Shaker Place Rehabilitation and Nursing Center
NH6020	17416	640583	BARBER PT	$	12,314	$ -	Shaker Place Rehabilitation and Nursing Center
NH6020	18005	640863	CHEF	$	9,198	$ 47,146	Shaker Place Rehabilitation and Nursing Center
NH6020	18006	650005	COOK	$	22,092	$ 20,681	Shaker Place Rehabilitation and Nursing Center
NH6020	18006	640595	COOK	$	9,184	$ 34,189	Shaker Place Rehabilitation and Nursing Center
NH6020	18007	650006	COOK PART TIME	$	13,880	$ 3,470	Shaker Place Rehabilitation and Nursing Center
NH6020	18007	650007	COOK PART TIME	$	13,880	$ 3,470	Shaker Place Rehabilitation and Nursing Center
NH6020	18008	640597	ASSISTANT COOK	$	30,881	$ 7,721	Shaker Place Rehabilitation and Nursing Center
NH6020	18008	640598	ASSISTANT COOK	$	18,281	$ 20,320	Shaker Place Rehabilitation and Nursing Center
NH6020	18009	640965	ASSISTANT COOK PT	$	12,830	$ 3,208	Shaker Place Rehabilitation and Nursing Center
NH6020	18009	650008	ASSISTANT COOK PART TIME	$	12,830	$ 3,208	Shaker Place Rehabilitation and Nursing Center
NH6020	18009	640966	ASSISTANT COOK PT	$	12,055	$ 3,982	Shaker Place Rehabilitation and Nursing Center
NH6020	18013	640606	SUPERVISING FOOD SER	$	6,806	$ 30,150	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640622	FOOD SERVICE HELPER	$	30,712	$ 7,979	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640617	FOOD SERVICE HELPER	$	20,562	$ 15,958	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640636	FOOD SERVICE HELPER	$	16,928	$ 19,501	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640610	FOOD SERVICE HELPER	$	15,382	$ 23,309	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640634	FOOD SERVICE HELPER	$	15,137	$ 16,167	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640626	FOOD SERVICE HELPER	$	13,880	$ 23,225	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640630	FOOD SERVICE HELPER	$	11,869	$ 19,818	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640628	FOOD SERVICE HELPER	$	11,082	$ 20,222	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640638	FOOD SERVICE HELPER	$	9,735	$ 2,434	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640629	FOOD SERVICE HELPER	$	7,102	$ 24,202	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640640	FOOD SERVICE HELPER	$	6,146	$ 30,959	Shaker Place Rehabilitation and Nursing Center
NH6020	18016	640633	FOOD SERVICE HELPER	$	5,194	$ 26,110	Shaker Place Rehabilitation and Nursing Center
NH6025	18016	640609	FOOD SERVICE HELPER	$	4,533	$ 32,572	Shaker Place Rehabilitation and Nursing Center
NH6026	18016	640611	FOOD SERVICE HELPER	$	4,359	$ 26,945	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640643	FOOD SERVICE HELPER	$	9,776	$ 2,746	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640646	FOOD SERVICE HELPER PART TIME	$	9,614	$ 2,555	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640642	FOOD SERVICE HELPER	$	9,543	$ 2,979	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640645	FOOD SERVICE HELPER	$	9,201	$ 3,321	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640667	FOOD SERVICE HELPER	$	8,937	$ 3,584	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640662	FOOD SERVICE HELPER	$	8,244	$ 4,277	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640644	FOOD SERVICE HELPER	$	7,856	$ 4,672	Shaker Place Rehabilitation and Nursing Center
NH6020	18017	640641	FOOD SERVICE HELPER	$	7,206	$ 5,316	Shaker Place Rehabilitation and Nursing Center
NH6020	18103	640864	BUILDING MAINT SUPER	$	26,652	$ 23,555	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640949	ENVIRON SERVICE AIDE	$	30,952	$ 7,739	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640943	ENVIRON SERVICE AIDE	$	29,684	$ 7,421	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640935	ENVIRON SERVICE AIDE	$	26,263	$ 12,428	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640962	ENVIRON SERVICE AIDE	$	25,863	$ 11,242	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640939	ENVIRON SERVICE AIDE	$	22,975	$ 14,130	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640947	ENVIRON SERVICE AIDE	$	22,680	$ 8,624	Shaker Place Rehabilitation and Nursing Center

NH6020	18120	640925	ENVIRONMENTAL SERVICE AIDE		$ 22,131	$ 9,173	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640926	ENVIRONMENTAL SERVICE AIDE		$ 21,431	$ 9,873	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640928	ENVIRONMENTAL SERVICE AIDE		$ 21,431	$ 9,873	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640924	ENVIRONMENTAL SERVICE AIDE		$ 19,078	$ 12,226	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640921	ENVIRON SERVICE AIDE		$ 17,160	$ 14,144	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640923	ENVIRONMENTAL SERVICE AIDE		$ 16,177	$ 15,127	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640944	ENVIRON SERVICE AIDE		$ 11,541	$ 19,763	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640942	ENVIRON SERVICE AIDE		$ 6,356	$ 30,749	Shaker Place Rehabilitation and Nursing Center
NH6020	18120	640948	ENVIRON SERVICE AIDE		$ 4,261	$ 30,486	Shaker Place Rehabilitation and Nursing Center
NH6020	18121	641020	ENVIRONMENTAL SERVICE AIDE PART TIME		$ 8,508	$ 4,014	Shaker Place Rehabilitation and Nursing Center
NH6020	18140	640882	DIR OF CUSTODIAL WRK		$ 9,951	$ 66,408	Shaker Place Rehabilitation and Nursing Center
NH6020	18407	640771	LABORER CENTRAL SUPP		$ 23,321	$ 7,184	Shaker Place Rehabilitation and Nursing Center
NH6030	89010		STATE RETIREMENT		$ 256,597		Shaker Place Rehabilitation and Nursing Center
NH6020	89060		HOSPITAL AND MEDICAL INSURANCE		$ 806,130		Shaker Place Rehabilitation and Nursing Center
NH6020	18580		PER DIEM THERAPIES PT	$ 25,000		$ 250,000	Shaker Place Rehabilitation and Nursing Center
NH6020	19900		OVERTIME	$ 685,000		$ 2,196,596	Shaker Place Rehabilitation and Nursing Center
NH6020	19911		HOLIDAY PAY	$ 15,000		$ 155,000	Shaker Place Rehabilitation and Nursing Center
NH6020	19921		RECRUITMENT STIPEND	$ 30,000		$ 30,600	Shaker Place Rehabilitation and Nursing Center
NH6020	19922		RETENTION STIPEND	$ 28,000		$ 409,039	Shaker Place Rehabilitation and Nursing Center
NH6020	19970		TEMPORARY HELP	$ 3,300,000		$ 4,050,000	Shaker Place Rehabilitation and Nursing Center
NH6020	19990		VACATION BUY BACK	$ 12,000		$ 18,600	Shaker Place Rehabilitation and Nursing Center
NH6020	22061		OFFICE EQUIPMENT	$ 15,000		$ 27,964	Shaker Place Rehabilitation and Nursing Center
NH6020	22050		COMPUTER EQUIPMENT	$ 20,000		$ 49,533	Shaker Place Rehabilitation and Nursing Center
NH6020	22150		MAINTENENCE EQUIPMENT	$ 25,000		$ 82,845	Shaker Place Rehabilitation and Nursing Center
NH6020	22610		NURSING EQUIPMENT	$ 95,000		$ 156,265	Shaker Place Rehabilitation and Nursing Center
NH6020	22620		DIETARY EQUIPMENT	$ 15,000		$ 65,600	Shaker Place Rehabilitation and Nursing Center
NH6020	22650		HOUSEKEEPING EQUIPMENT	$ 15,000		$ 30,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44020		NURSING	$ 10,000		$ 30,900	Shaker Place Rehabilitation and Nursing Center
NH6020	44023		MEDICAL SUPPLIES	$ 16,000		$ 470,523	Shaker Place Rehabilitation and Nursing Center
NH6020	44024		HOUSKEEPING	$ 45,000		$ 100,000	Shaker Place Rehabilitation and Nursing Center
NH6020	44032		LAUNDRY AND LINEN	$ 85,000		$ 545,000	Shaker Place Rehabilitation and Nursing Center
NH6020	44036		TELEPHONE		$ 15,000	$ 60,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44040		BOOKS AND PERIODICALS	$ 2,500		$ 3,500	Shaker Place Rehabilitation and Nursing Center
NH6020	44043		PERSONNEL - ADVERTISING	$ 35,000		$ 55,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44050		REFUSE CHARGE	$ 10,000		$ 60,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44065		PHOTOCOPIER LEASE	$ 5,000		$ 15,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44069		OTHER MEDICAL SERVICES	$ 950,000		$ 2,450,000	Shaker Place Rehabilitation and Nursing Center
NH6020	44070		EQUIPMENT REPAIR AND RENTAL	$ 15,000		$ 55,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44071		PROPERTY REPAIR AND RENTAL	$ 125,000		$ 204,940	Shaker Place Rehabilitation and Nursing Center
NH6020	44101		ELECTRIC	$ 120,000		$ 395,000	Shaker Place Rehabilitation and Nursing Center
NH6020	44104		NATURAL GAS	$ 25,000		$ 150,000	Shaker Place Rehabilitation and Nursing Center
NH6020	44250		DRUGS	$ 25,000		$ 250,000	Shaker Place Rehabilitation and Nursing Center
NH6020	44252		CLINICAL MEDICAL SUPPLIES	$ 25,000		$ 60,600	Shaker Place Rehabilitation and Nursing Center
NH6020	44253		FOOD AND CONCESSIONS	$ 500,000		$ 1,350,000	Shaker Place Rehabilitation and Nursing Center
			TOTAL APPROPRIATIONS	$ 6,273,500	$ 6,273,500		

ESTIMATED REVENUES

ACCOUNT NO.		RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
		TOTAL ESTIMATED REVENUES	$ -	$ -		
		GRAND TOTAL	$ 6,273,500	$ 6,273,500		

DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207
PHONE: (518) 447-5525 FAX: (518) 447-5589
www.albanycounty.com

M. DAVID REILLY, JR
COMMISSIONER

October 17, 2023

Honorable Andrew Joyce
Chair, Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Legislative authorization is requested to transfer tax-delinquent foreclosed property located in the Town of Bethlehem, 107 Spawn Hollow Road to abutting property owners.

This transfer is in accordance with Resolution No. 29 of 2019 which states "Properties which will be discretionally conveyed by the County to individuals or entities who own abutting or adjacent parcels ".

If you have any questions regarding this request, I can make myself available at your earliest convenience. Thank you for your consideration.

Sincerely Yours,

M. David Reilly, JR
Commissioner

cc:
Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Majority Counsel
Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4760, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Requesting Legislative Action to Authorize the Conveyance of Tax Delinquent Foreclosed Property located in the Town of Bethlehem

Date:	October 17, 2023
Submitted By:	David Reilly
Department:	Management and Budget
Title:	Commissioner
Phone:	518-447-7040
Department Rep.	Michael McLaughlin
Attending Meeting:	David Reilly/Michael McLaughlin

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☒ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel

☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☐
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☐ No ☐
Anticipated in Current Budget: Yes ☐ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☐
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: 286
Date of Adoption: 7/10/2023

Justification: (state briefly why legislative action is requested)

Legislative authorization is requested to transfer a pending tax foreclosed property located in the Town of Bethlehem, 107 Spawn Hollow Road, Map No. 132.00-1-43 to abutting property owners Lisa Shutter and David Albright, for $1,000. Per their submission, Lisa Shutter and David Albright, 32 Locust Drive, Selkirk NY 12158 understand the property at 107 Spawn Hollow Road has environmental concerns and they would incur many expenses to make it habitable, including demolition cost of an old trailer and an addition to it, along with cleaning up debris and garbage that has been dumped on the property.
This transfer is in accordance with Resolution No. 29 of 2019, which states “Properties which will be discretionally conveyed by the County to individuals or entities who own abutting or adjacent parcels “.
As part of this sale, Lisa Shutter and David Albright will be subject to:
All closing costs
A pro-rated share of any current real property taxes which are owed on the property as of the closing date.

October 10, 2023

Bid for 107 Spawn Hollow Road Selkirk NY, 12158

Mr. Daniel Mccoy,

I am writing you today in regards to 107 Spawn Hollow Road in the town of Selkirk, County of Albany . I spoke with Jeff Neal at length today about the foresaid property and informed him we are interested in it as we will be at the County clerk's office tomorrow purchasing an adjoining property (Joe Stapf and Kim Stapf, previous owner of the vacant land which is unbuildable). I understand the property at 107 spawn hollow road has environmental concerns which we are aware of and are ok with and assume the risks associated with this upon purchase, we also understand because of the contamination risks the county has withdrawn it from any further auctions, we also understand that because of this issue the property holds no real value in terms of real estate. We were informed that even prior to this the property had went to auction multiple times and there was zero interest. This property was sold in 2001 for $3500 and has remained untouched since, taxes have not been paid since 2005, so essentially just causing a loss to the county. Our goal is to make this our homestead, our first home and our forever home, however a lot would need to be done to make this happen. With purchasing this property, we would incur many expenses to make it habitable, including demolition cost of an old trailer and addition along with a lot of other debris and garbage that has been dumped, which would minimally cost us $15,000 due to the location and limited road access. We would need to bring in fill and equipment which could cost upwards of $ 10,000 just to be able to get a vehicle big enough to the property site to remove the debris. We would also have surveying costs and cost of eventually merging our two pieces of property. Our bid on this property would be $1000.00, this purchase would then generate revenue (yearly tax payments) back to the county instead of it being a total loss, also ensuring no future delinquencies as the goal is to live here as our forever home. In turn by developing our property to a habitable status will be generating an even bigger tax revenue for the county once our home is complete. This property holds sentimental value to us as our entire family grew up on this land, making it even more important for us to bring this disheveled/run down piece of property back to its full potential.

Please consider our offer

I sincerely look forward to hearing from you as soon as possible

Best regards

Lisa Shutter

Donald Albright

518-258-6269

Lisandj77@gmail.com

RECEIVED

OCT 18 REC'D

ALBANY COUNTY
EXECUTIVE OFFICE

DEPARTMENT OF MANGEMENT AND BUDGET

Purchaser Review

PROPERTY INFORMATION

Municipality — Town of Bethlehem

Address of Properties –107 Spawn Hollow Road

Tax Map Number-132.00-1-43

Property Description- Mobile Home

PROSPECTIVE BUYER NAME AND PROPERTIES OWNED BY PROSPECTIVE BUYER

Purchasers-Lisa Shutter
Donald Albright

No properties are owned by these individuals

CODE ENFORCEMENT INFORMATION

NA

DELINQUENT TAX INFORMATION

NA

COUNTY FORECLOSURE INFORMATION

NA

Signed- [1]

ANTHONY DILELLA

Property Manager

DATE---October 10, 2023

COUNTY OF ALBANY

Parcel Find

PARCEL: 13200000010430000000 TAX LIEN - 2019
LOCATION: 107 SPAWN HOLLOW RD EFF DATE: 10/17/2023
NAME: SMITH LUCHINA

YEAR	CAT	BILL	#SC	REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2023	RE-3	1900	Y	107 SPAWN HOLLOW RD	1,752.67	1,752.67	1,910.41
2022	RE-3	2082	Y	107 SPAWN HOLLOW RD	1,736.61	1,736.61	2,101.30
2021	RE-3	1949	Y	107 SPAWN HOLLOW RD	1,953.87	1,953.87	2,524.40
2020	RE-3	2284	Y	107 SPAWN HOLLOW RD	2,024.12	2,024.12	2,833.72
2019	TL-3	186	Y	107 SPAWN HOLLOW RD	1,809.42	1,809.42	2,840.79
2018	TL-3	2105	Y	107 SPAWN HOLLOW RD	1,972.76	1,972.76	3,178.71
2017	TL-3	157	Y	107 SPAWN HOLLOW RD	1,890.83	1,890.83	3,240.15
2016	TL-3	134	Y	107 SPAWN HOLLOW RD	1,772.31	1,772.31	3,281.06
2015	TL-3	103	Y	107 SPAWN HOLLOW RD	1,756.14	1,756.14	3,441.54
2014	TL-3	571	Y	107 SPAWN HOLLOW RD	1,383.68	1,383.68	2,827.09
2013	TL-3	185	Y	107 SPAWN HOLLOW RD	1,801.42	1,801.42	3,556.36
2012	TL-3	375	Y	107 SPAWN HOLLOW RD	1,414.34	1,414.34	3,197.06
2011	TL-3	1112	Y	107 SPAWN HOLLOW RD	1,394.09	1,394.09	3,455.54
						TOTAL DUE NOW	38,388.13
						TOTAL UNPAID	22,662.26

**

Land Parcels (2022)
Municipality: Town of Bethlehem
Parcel Location: 107 Spawn Hollow Rd
Land Parcel: 132.00-1-43
Owner Name: Smith, Luchina
Property Class Code: 270
Property Class Description: Mobile Home
Year Built:
School District Code: 012402
School District: Ravena-Coeymans-Selkirk CSD
Acres: 3.00 ac.
Deed Reference: NOT AVAILABLE
Land Assessment: $53,000.00
Total Assessment: $54,900.00
PDF Tax Map
Google Maps
Zoom to

Onesquethaw Creek
Onesquethaw Creek
Onesquethaw Creek
SHUTTER - ALBRIGHT
PROPERTY
Onesquethaw Creek
107 SPAWN HOLLOW RD

11/10/2018 11:38

10.30.18 15:47

06.20.2016 12:38

County Division of Finance, Room 1340, 112 State Street, Albany, New York 12207, T
No. (518) 447-7082 for further information.

DATED: January 26, 2016

PROPERTY DESCRIPTION

Parcel Foreclosure No.: 1946-12-0000134
Owner of Record on Date of Filing List of Delinquent Taxes: ***SMITH, LUCHINA & SMI***
KEVIN
Owner of Record on Date of Search: ***SMITH, LUCHINA & SMITH, KEVIN***
Parcel Location: **107 SPAWN HOLLOW RD, BETHLEHEM**
Parcel Tax Map No.: *132000000104300000000*
Class Code: 270

EXHIBIT "A"

11.10.2016 14:58

DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, SUITE 1200
ALBANY, NEW YORK 12207
OFFICE: (518) 447-5525
FAX: (518) 447-5589
www.albanycounty.com

M. DAVID REILLY, JR
COMMISSIONER

PATRICK ALDERSON
DEPUTY COMMISSIONER

November 2, 2023

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce,

As part of the State FY2023 budget, New York State created a Health Care and Mental Hygiene Worker Bonus (HWB) Program, allocating $1.2 billion in funding for the payment of bonuses for certain frontline healthcare workers. The NYS HWB Program allows for bonus payments to "recruit, retain, and reward health care and mental hygiene workers" who meet specific eligibility requirements as set forth in Part ZZ of Chapter 56 of the Laws of 2022. Bonus amounts are commensurate with the number of hours worked by eligible workers covered by the HWB Program during designated vesting periods, up to a total of $3,000 per covered worker.

Some County Departments are “eligible employers” due to the nature of their work. County Departments determine whether their operations met the qualifying employer criteria and identify eligible employees based on titles prescribed by NYS. Departments then submit claims on behalf of eligible employees to NYS by the due date for the vesting period – for the fourth vesting period, claims were due 10/31/2023. For this vesting period, County Departments submitted 87 claims on behalf of employees for a total of $106,500 in bonus payments. Additionally, the County is anticipating receiving reimbursement for FICA contributions at 7.65%, equivalent to $8,156. In total, Albany County departments are anticipating receiving $114,656 from NYS for the fourth vesting period of the HWB program. Currently NYS is reviewing the claims submitted on behalf of County employees and will remit payment to the eligible County Departments. Once the County has received payment from NYS, we must pay bonuses to employees no later than 30 days afterwards.

This request to amend the 2023 County Budget adds the necessary personnel non-individual and fringe appropriations and revenue lines to each respective department’s budget in anticipation of prompt payment of the NYS HWB bonus for vesting period 4 (April 1, 2023 – September 30, 2023) to eligible employees. Departments who weren’t able to file on behalf of eligible employees for previous vesting periods, were able to submit those claims during this cycle, which are reflected in this request for legislative action.

Should you have any questions, please don’t hesitate to reach out.

Sincerely,

M. David Reilly
Commissioner, Management & Budget

cc: Hon. Dennis A. Feeney, Majority Leader
Hon. Frank A. Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4806, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Health Care Worker Bonus Program: Vesting Period 4

Date:	11/2/2023
Submitted By:	Zak Smetana
Department:	Management and Budget
Title:	Budget Analyst
Phone:	518-447-7031
Department Rep. Attending Meeting:	Zak Smetana and David Reilly

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☒ Fringe
☐ Personnel
☒ Personnel Non-Individual

☒ Revenue

Increase Account/Line No.: See attached Budget Amendment
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

Revenue Account and Line: See attached Budget Amendment
Revenue Amount: $114,656.00

Appropriation Account and Line: See attached Budget Amendment
Appropriation Amount: $114,656.00

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: 100%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

We are requesting to amend the budgets for the Department of Children, Youth & Families, Mental Health, Shaker Place Rehabilitation and Nursing Center, General Services, and the Sheriff's Office to accommodate the New York State Health Care and Mental Hygiene Worker Bonus Program for the fourth vesting period.

Employers are required to submit claims for bonus payments for their qualified employees. The State then issues bonus payments to employers, who then distribute the bonus payments to the qualified employees.

The fourth vesting period was April 1, 2023 - September 30, 2023. A qualified employee is eligible for up to two vesting periods per employer. The maximum amount any employee may receive is $3,000.

APPROPRIATIONS

BUDGET LINE						DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY						
				STATE POS. CODE	POSITION CONTROL					
A9	4059	19916	10000			NYS HC & MH Worker Bonus Prg	$3,000		$9,000	Children, Youth and Families
A9	4059	89030	10000			Social Security	$230		$106,149	Children, Youth and Families
A9	6119	19916	10000			NYS HC & MH Worker Bonus Prg	$1,500		$4,500	Children, Youth and Families
A9	6119	89030	10000			Social Security	$116		$845,866	Children, Youth and Families
A9	4310	19916	10000			NYS HC & MH Worker Bonus Prg	$18,000		$36,000	Mental Health
A9	4310	89030	10000			Social Security	$1,380		$499,559	Mental Health
NH9	6020	19916	10000			NYS HC & MH Worker Bonus Prg	$76,500		$142,500	Shaker Place Rehabilitation and Nursing Center
NH9	6020	89030	10000			Social Security	$5,854		$1,377,594	Shaker Place Rehabilitation and Nursing Center
A9	1620	19916	10000			NYS HC & MH Worker Bonus Prg	$1,500		$1,500	General Services
A9	1620	89030	10000			Social Security	$116		$213,109	General Services
A9	3110	19916	10000			NYS HC & MH Worker Bonus Prg	$6,000		$15,000	Sheriff
A9	3110	89030	10000			Social Security	$460		$1,381,847	Sheriff
						TOTAL APPROPRIATIONS	$114,656	$0		

ESTIMATED REVENUES

BUDGET LINE						DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY						
				STATE POS. CODE	POSITION CONTROL					
A9	4059	03455				NYS HC & MH Worker Bonus Prg		$3,230	$9,691	Children, Youth and Families
A9	6119	03455				NYS HC & MH Worker Bonus Prg		$1,616	$4,846	
A9	4310	03455				NYS HC & MH Worker Bonus Prg		$19,380	$38,760	Mental Health
NH9	6020	03455				NYS HC & MH Worker Bonus Prg		$82,354	$153,404	Shaker Place Rehabilitation and Nursing Center
A9	1620	03455				NYS HC & MH Worker Bonus Prg		$1,616	$1,616	General Services
A9	3110	03455				NYS HC & MH Worker Bonus Prg		$6,460	$16,150	Sheriff
						TOTAL REVENUES	$0	$114,656		
						GRAND TOTAL	$114,656	$114,656		

Department	Avg Weekly Hours Per Vesting Period	Bonus Amount Per Vesting Period	Eligible Employees Claimed	Total Bonus Per Avg Weekly Hours Category	FICA (7.65%), Round Up	Notes
ACDCYF	20 - 30 hours	$ 500.00		$ -		
	30-35 hours	$ 1,000.00		$ -		4059: 2 employees
	35+ hours	$ 1,500.00	3	$ 4,500.00	$ 346.0000	6119: 1 employee
ACDMH - V3	20 - 30 hours	$ 500.00		$ -		
	30-35 hours	$ 1,000.00		$ -		
	35+ hours	$ 1,500.00	1	$ 1,500.00	$ 116.0000	
ACDMH - V4	20 - 30 hours	$ 500.00		$ -		
	30-35 hours	$ 1,000.00		$ -		
	35+ hours	$ 1,500.00	11	$ 16,500.00	$ 1,264.0000	
SPRNC	20 - 30 hours	$ 500.00	17	$ 8,500.00		
	30-35 hours	$ 1,000.00	14	$ 14,000.00		
	35+ hours	$ 1,500.00	36	$ 54,000.00	$ 5,854.0000	
DGS	20 - 30 hours	$ 500.00		$ -		
	30-35 hours	$ 1,000.00		$ -		
	35+ hours	$ 1,500.00	1	$ 1,500.00	$ 116.0000	
ACSO	20 - 30 hours	$ 500.00		$ -		
	30-35 hours	$ 1,000.00		$ -		
	35+ hours	$ 1,500.00	4	$ 6,000.00	$ 460.0000	
Bonus TOTAL			**87**	**$ 106,500.00**		
FICA TOTAL		**7.65%**	**$106,500.00**	**$8,147.25**	$8,156.00	
			Aggregate	**$ 114,647.25**	$114,656.00	

NYS Healthcare Worker Bonus Program
Frequently Asked Questions (FAQ)
Last Updated 7/27/2023

FAQ Table of Contents

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Attestation
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Employee Separation
Enforcement
Employee Help
Help and Support

General

Q. What is the Healthcare Worker Bonus (HWB) Program?
A. As part of the 2022-2023 enacted New York State Budget, Governor Hochul and the State Legislature allocated $1.2 billion in funding to the NYS **Healthcare Worker Bonus (HWB)** program for the payment of bonuses for certain frontline healthcare workers as Part ZZ of Chapter 56 of the Laws of 2022.

The HWB Program provision allows for the payment of bonuses to "*recruit, retain, and reward health care and mental hygiene workers*" meeting certain eligibility requirements.

Q. Where can I find the details of the HWB Program?
A. Please see Part ZZ of Chapter 56 of the Laws of 2022.

Q. Who is eligible for a health care worker bonus?
A. *Health care and mental hygiene workers that meet each of the following criteria will be eligible for the bonus:*

- The employee works for a qualified employer. A qualified employer is defined in SOS §367-w(2)(b) and (c).
- Assuming an employee works for a qualified employer, the eligible employee must:
  - Be in an eligible title listed in SOS §367-w(2)(a)(i)-(iii).
  - Receive an annual base salary of $125,000 or less (excluding any bonus or overtime pay paid by the employer).
  - Be employed by an eligible provider during the entire "vesting period."
  - Not be suspended or excluded from participation in the Medicaid program.

- Work for a qualified employer for the required number of hours during the vesting period to be eligible for the bonus.

The **employer** must evaluate and attest to whether they and/or any of their employees meet the eligibility criteria.

Q. Is the data I submit to the HWB Portal kept secure?
A. Yes. The HWB portal is compliant with New York State and Federal Security Standards. Data submitted to the HWB portal will be kept within a secure environment for up to seven (7) years. After the retention period, the Department of Health will be required to destroy the data and obtain a Certificate of Destruction from an IT Asset Disposition (ITAD) service provider ensuring the data has been destroyed in compliance with all applicable laws and industry standards.

Q. Should Governmental entities that are not State entities submit bonus claims in the portal for their eligible employees?
A. Yes, governmental entities that are not State entities (i.e. County nursing homes) and do not employ State employees should submit claims in the portal for their eligible employees.

Attestation

Q. What is the employer attestation process?
A. The bonus claim process requires all qualified employers to electronically sign an attestation that acknowledges they understand and have determined that each employee the employer included in the claiming process is eligible to receive the Healthcare Worker Bonus. Those requirements are found in section 367-w of the Social Services Law, and other guidance pertaining to the HWB.

Employers must download a copy of the HWB Employer Attestation, which can also be found on the HWB Program Portal.

Q. What is the Employee Attestation Process?
A. The bonus claim process requires all qualified employees to sign an attestation that confirms their wages from all sources in connection with their eligibility for the workforce bonus.

Employers must download a copy of the HWB Employee Attestation, which can also be found on the HWB Program Portal. An employee attestation for each employee must be signed by the employee and maintained by the employer.

Q. Can employee attestations be submitted electronically to the employer?
A. Yes, employee attestations may be submitted electronically.

Q. Could the Department provide additional guidance regarding the employee attestation?
A. The information below offers further details on employee attestations:

- Employers must collect employee attestations prior to submitting a bonus claim for the employee.
- Employers must retain the signed attestations from employees, but do not need to submit to the State unless explicitly requested to do so.

- If an employee fails to or refuses to sign the attestation but are otherwise eligible, employers should retain the documentation on why the employee is eligible and retain documentation that the employee declined to provide the signed attestation.
- Employers, if they choose, may collect employee attestations covering October 2021 – September 2022 to allow those employees to only attest once.
- Employers should submit claims for employees under the MMIS ID that is most appropriate for their employment situation. Therefore, the employee attestation should indicate the MMIS ID where the employee primarily works.

Eligibility (Qualified Employers)

Q. Who is a qualified employer?
A. Please refer to the Qualified Employer Section of the Department of Health HWB Program website for additional information.

Q. What employees working for qualified employers are eligible to receive the bonus?
A. A list of qualified employees and worker titles has been posted here.

Q. If an employee lives outside of New York State, are they eligible for the bonus?
A. A qualified employee who works for a qualified employer is eligible for the bonus regardless of state residency.

Q. Is the bonus for the Home Attendants/Aides? Are any staff for CHHAs, LHCSAs and FIs included?
A. Homecare aides are not an eligible title for the Bonus Program as they will be eligible for increased minimum wage payments pursuant to PHL 3614-f. As such, employees of Article 36 entities that fall under such titles (e.g., home health Aide, Personal Care assistant, home maker, etc.) are not eligible for the Bonus. However, certain Article 36 entities, such as Certified Home Health Agencies (CHHAs) and Licensed Home Care Services Agencies (LHCSAs), may employ eligible titles (e.g., Nurses, PT/OT Therapists, Speech Pathologists, etc.) that provide hands-on services, and may be eligible for the bonus if they meet all of the employee eligibility requirements. Fiscal Intermediaries under SOS section 365-f do not employ eligible titles that provide hands-on services, and so are not subject to the requirements under the Bonus program.

Q. I am a non-Medicaid provider, am I eligible for a bonus?
A. According to Part ZZ of Chapter 56 of the Law of 2022, eligible employers are those who include certain providers with at least one employee, and that bill for services under the Medicaid state plan or a home or community-based services (HCBS) waiver, providers that have a provider agreement to bill for Medicaid services provided or arranged through a managed care organization or a managed long term care plan, and certain educational institutions and other funded programs. These include certain providers, facilities, pharmacies, and school-based health centers licensed under the state Public Health Law, Mental Hygiene Law, and Education Law, as well as certain programs funded by the Office of Mental Health (OMH), Office for the Aging, Office of Addiction Services and Supports (OASAS), and the Office for People with Developmental Disabilities (OPWDD).

If your organization does not pertain to the above, you are unfortunately not eligible at this time.

Q. Would a provider enrolled in the medical assistance program (e.g. hospital, nursing home) ("provider"), who enters into a contract with the supplemental staffing agency ("staffing agency"), be considered an Employer (under the statute), with respect to those front-line healthcare workers (agency staff) who are assigned by the staffing agency to work at the provider's facility on a temporary basis?
A. No. Qualified Employers should submit claims for bonuses only for individuals they employ directly or indirectly on a permanent basis. Contracted temporary staff that are employed or contracted by a staffing agency or other intermediary entity on a temporary basis are not eligible for the HWB program.

See the Question *"Q. Are contract staff eligible for the bonus? If they are, who is responsible for submitting these staff for a bonus? For example, if a hospital employs staff that fall under one of the eligible titles but are co-employed with a non-healthcare entity, are they eligible for the bonus?"*, for more details.

Q. Please clarify the criteria necessary for an employer to be subject to the Healthcare Workforce Bonus (HWB) Program?
A. The HWB statute provides two separate definitions of qualified employers, both of which are subject to the requirements of the HWB program.

- *See SOS § 367-w(2)(b) and (c)*

Under paragraph (2)(b), an employer is subject to the HWB program if they meet all the four following criteria:

1. They are a Medicaid enrolled provider.
2. They bill for Medicaid services (either through FFS, managed care, or a 1915(c) waiver).
3. Employ at least one eligible employee.
4. **A. Are included in the list of provider and facility types in the statute**, OR
   B. Are subject to a certificate of need (CON) process, OR
   C. The provider serves at least 20% Medicaid enrollees.

The Department of Health is not prescribing a specific methodology to determine the 20% Medicaid threshold criteria. Employers must determine whether their organization complies with this requirement as part of the employer attestation required for HWB claim submission.

Q. Please clarify the types of employers eligible for the HWB Program?
A. Paragraph (2)(b) identifies employers eligible for the program, and are limited to:

- Providers and facilities licensed, certified, or otherwise authorized under:
  - articles 28, 30, 36 or 40 of the public health law
  - articles 16, 31, 32 or 36 of the mental hygiene law
  - article 7 of the social services law
- Pharmacies registered under §6808 the education law
- School-based health centers
- Programs funded by the OMH, OASAS, Office of the Aging, or OPWDD, AND

- Other provider types determined by the commissioner and approved by the director of the budget ***(at this time no other provider types have been determined).***

If the provider is subject to a certificate of need (CON) process OR the provider serves at least 20% Medicaid enrollees, they are not limited to this list defined in Paragraph(2)(b).

Q. What employer types are subject to the Certificate of Need (CON) process, and thus not required to meet the 20% threshold, but still required to be actively enrolled Medicaid providers?
A. Below is a list of employer types subject to the CON process:

Employer Types Subject to the CON Process
Hospitals
Nursing Homes
Diagnostic and Treatment centers
Midwifery Birth Centers
Ambulatory Surgery Centers
Dialysis Providers
Certified Home Health Agencies
Licensed Home Care Services Agencies
Long Term Home Health Care Programs
Hospices
Adult Care Facilities

Q. I am not enrolled to receive payments from eMedNY. Am I subject to the HWB program?
A. Paragraph (2)(c) of the statute identifies employers subject to the HWB program even if they are not eligible to receive payments from eMedNY. Entities with at least one eligible employee with programs identified in statute such as OMH, OPWDD, OASAS, OCFS or Municipalities may be subject to the HWB program.

Q. I am an employer who is not enrolled to receive payments from eMedNY and am not funded through OMH, OASAS, OCFS or OPWDD, am I subject to the HWB program?
A. With the exception of education and state-operated facilities, who will be eligible in the fall for the bonus program, employers who do are not enrolled to receive payments from eMedNY and are not funded by OMH, OASAS, OCFS or OPWDD are not likely eligible for the program.

Q. I am an Employer who is enrolled in eMedNY but in a non-payable status, am I subject to the HWB program.

A. Enrolled Medicaid providers who meet the eligibility criteria for the HWB but are enrolled with a non-payable status in eMedNY, this includes Managed Care Only and OPRA (Ordering, Prescribing, Referring, Attending) enrollment status, may be subject to the HWB program. Additional information on submitting for bonus will be provided.

Q. Are Providers whose practices that see at least twenty (20) percent Medicaid population qualified providers for the HWB?
A. Yes. Providers are Qualified Employers so long as the employer meets the 20% Medicaid threshold and all other eligibility requirements are met.

Q. Why was the second submission period extended?
A. In order to allow appropriate time for all Employers to submit claims for Vesting Period 1 and 2, the Department kept the HWB Program Portal open to claims for the second submission period until November 30, 2022. Qualified Employers were permitted to submit claims for eligible employees during that time. Please be advised that, in accordance with SOS § 367-w(4)(f), claims submitted after October 31, 2022, for Vesting Period 1 and 2 were technically late for filing purposes.

The Department is aware of several technical issues during the initial submission periods for Vesting Periods 1 and 2 that may have impeded the ability of certain Qualified Employers to submit claims. All Employers should document and retain information regarding the reason for any late submission for audits and investigation purposes relating to the submission of claims for the HWB Program.

Q. Are traveling nurses and temporary staff eligible for the bonus?
A. Qualified employers are responsible for identifying which of their staff are hired on a temporary or traveling basis. Contracted temporary staff that are employed or contracted by a staffing agency or other intermediary entity on a temporary basis are not eligible for the HWB program

Q. Are fire districts qualified employers?
A. Yes, fire districts and departments are municipalities and are considered Employers under the HWB program. These Employers should determine if they have eligible employees and submit HWB claims as appropriate. If a fire district needs an SFS ID or sees an error message when attempting to register for the HWB Portal, please contact NYSWorkersBonus@health.ny.gov.

Q. Are employers overseen by OCFS eligible for the bonus program?
A. Qualified employers overseen by OCFS that are licensed by the Department of Health under Article 29-I that have an MMIS ID and meet the other necessary requirements should select DOH in the Agency drop down when submitting their employees via the portal, as they are billing via Medicaid and will receive bonus remittance payments via eMedNY.

Education Sector Employers

Q. Does "Other Direct Care Staff" includes aides and assistants in schools?
A. No. The Mental Hygiene titles listed in the statute at SOS § 367-w(2)(a)(ii) are taken from the title series in the Consolidated Fiscal Reporting and Claiming Manual (CFR), which includes

additional descriptions of the referenced titles. The relevant description for titles under the CFR can be found here in Appendix R.

Q. Are employees in educational settings that serve in roles that align with titles under "All Other Health Care Support Workers" (like a front office building attendant or custodian) eligible?
A. No. Such workers must support patient-facing care provided within a patient care unit of a hospital or nursing home in support of treating and caring for patients.

Q. Titles used in educational settings are different from those used in traditional healthcare settings. If the title does not match exactly, is the worker ineligible?
A. The titles listed in the statute describe the role the worker served. If the role served by the employee in an educational setting is consistent with the definition of the job title, the employee may be eligible assuming all other requirements are met.

The definition of each BLS job title is available on O*Net Online. See ***"Q. Is there a definition for each job title?"*** under section Eligibility (Employees).

Employers will be required to identify which eligible title the employee qualifies under when submitting the employee in the HWB Portal. Employers should document and retain information justifying their determination that the employee qualified under the specified title for purposes of audits, investigations, and reviews of employers submitting claims for the HWB Program.

Q. Is there any guidance that compares school district job titles against those outlined in SOS Section 367-w(2)(a)(iii)?
A. The intent of HWB Program is to provide for the payment of bonuses to recruit, retain, and reward health care and mental hygiene workers. Educational institutions were included as an eligible employer because some employ health care and mental hygiene workers that are patient-facing and provide clinical care. The titles in SOS §367-w(2)(a)(i)-(iii) should therefore either be consistent with eligible employees in educational institutions or very closely align with the definitions of those job titles.

Q. Will there be any specific guidance/training for school districts?
A. All program guidance included on this website is consistent for all eligible employer types.

Q. If a district claims money, will there be a listing of which positions were approved so they will know who they can pay the funds out to?
A. Yes, employers will receive remittance advice when they receive payment. See "***Q. Will employers be notified when payments will be made out of SFS and eMedNY and will a remittance be provided?"*** under section Payment Issuance.

Q. Can educational employers submit their eligible employees from Vesting Period 1 during Submission Period 2?
A. Yes. See the prior FAQ regarding the administrative flexibility offered for the Vesting Period 1 and 2 submissions. This applies to all employers, including the education sector.

Q. I am a qualified employer within the education sector, looking to submit claims for eligible employees. How do I register for the HWB Program Portal?
A. School districts, charter schools, nonpublic schools, approved preschool programs for students with disabilities, BOCES, and private institutions of higher education, should register for the HWB Portal utilizing a Statewide Financial System (SFS) ID.

School districts, charter schools, nonpublic schools, approved preschool programs for students with disabilities and BOCES that do not have an SFS ID should contact SED at ChiefFinancialOfficer@nysed.gov. Private institutions of higher education that do not have an SFS ID should contact HESC at HWB@hesc.ny.gov.

Q. What steps do I need to take before logging in to the Portal?
A. Before logging into the Portal, Employers need to register. If the employer still issues accessing the Portal after registering, they should reset their password. Then the employer should be able to successfully login and submit their eligible employees for bonus payment.

Q. I am a qualified employer within the education sector, what vesting period should I begin submitting employee claims?
A. Education sector employers may begin submitting claims in Vesting Period 2. The Department acknowledges some providers may not be able to complete Vesting Period 2 claims by the close of the second vesting period (October 31, 2022). Where this is the case, they may submit for claims when Vesting Period 3 opens on April 1st, 2023.

Q. I am a qualified employer submitting claims for a school district's eligible salaried employees. Are 10-month employees considered continuously employed during a vesting period that overlaps with their 2-months off?
A. Yes. For purposes of the HWB Program, qualified salaried employees of a school district will be considered continuously employed for 12 months regardless of how their salary is paid (over 10 months or over 12 months). Districts do not need to pro rate average hours worked for salaried employees.

Q. Will the state be providing an updated qualified list for this program?
A. No. The titles in SOS §367-w(2)(a)(i)-(iii) should therefore either be consistent with eligible employees in educational institutions or very closely align with the definitions of those job titles.

Q. Is the word "patient" inter-changeable with "student"?
A. No. The word "patient" describes a person receiving clinical or behavioral health care from a health care provider. For purposes of bonus claiming, a "student" becomes a "patient" when a health care/mental hygiene worker employed by an eligible education sector employer provides clinical or behavioral health care in an educational setting.

Q. Do schools need to have a licensed medical facility to qualify?
A. No. Per SOS §367-w(2)(c), the definition of employer also includes a public and non-public school, a BOCES program, an approved preschool program for student with disabilities, and an institution of higher education.

Q. Do we have to bill Medicaid directly to qualify?
A. No. If you do not have an MMIS ID, meaning you are not enrolled in the NYS Medicaid system, you will need to verify that you have a Statewide Financial System (SFS) ID.

The agencies with providers who may not be in NYS Medicaid (eMedNY) system may include: Office of Mental Health, Office for People With Developmental Disabilities, Office of Children and Family Services, Office of Addiction Services and Supports and the New York State Education Department.

Once you have confirmed that you are actively enrolled or your SFS ID is active, you can prepare information for submission of reimbursement for eligible employees. More details, including a *Technical User Guide*, can be found within the HWB Program Portal.

Q. Is there a modified version of the attestation for a school district?
A. No. The Employer and Employee attestation is consistent across all qualified employers.

Q. I am a qualified employer submitting claims for a school district's eligible hourly employees. How do I calculate hours for hourly employees of the school district who are not required to be available during the summer months?
A. For purposes of the HWB Program, school based hourly employees are eligible for the bonus based on the average number of hours worked during the vesting period in which they were continuously employed. Some school based hourly employees are still employed but are not required to be available to work during the summer months. So long as those employees are still employed but not obligated to report—and are otherwise ineligible for unemployment benefits during the summer months—those employees are considered continuously employed during vesting period(s).

Time which the employee is employed but did not work any hours because the school was closed for summer recess does not need to be factored into hourly employees' average hours worked as this can be counted as "other leave". For example, employee A is an hourly worker who on average works 40 hours per week from September through June each year. During July and August, the average hours worked is zero. When calculating average hours worked, these two months can be disregarded.

However, if employee A was not required to be available during July and August but **was** entitled to unemployment compensation, that employee would **not** be entitled to the bonus during that 6-month vesting period because they were not continuously employed.

Q. Are guidance counselors eligible for the bonus?
A. Guidance Counselor as listed in the Consolidated Fiscal Report (CFR) is not an eligible title. Guidance counselors may be eligible for the bonus if they are working in the capacity of another title on the list of eligible titles as defined in the CFR during the applicable vesting period, so long as they meet all other eligibility criteria including appropriate licensure. Employers should select the applicable title from the list of eligible titles for employees working in this capacity.

Q. Please confirm the process for medical schools to submit the HWB program portal.
A. The process follows the existing process for all other health care employers eligible for the bonus program. There is no distinct process for medical schools.

Tax Questions

If an employer or employee has a tax question not answered below, the Department recommends that you contact the NYS Department of Taxation and Finance for additional guidance.

Q. I am an employee, what are the tax implications of the bonus? Is the bonus considered taxable income?
A. Bonus payments paid to a New York State (NYS) resident are not subject to NYS personal income tax. To determine how the bonus payment may affect your specific situation, please consult with a tax professional.

Q. Would HWB Program bonus payments impact an employee's public benefits or other public assistance?
A. No.

Q. Are employees who were out on disability, FMLA, COVID Leave, etc. during the vesting period, but still an active employee, still eligible for the bonus?
A. The use of accruals or other leave, including but not limited to sick, vacation, or time used under the Family Medical Leave Act (FMLA), shall be credited towards and included in the calculation of the average number of hours worked per week over the course of the vesting period.

Q. I am an Employer, what obligation do I have to pay former employees who were otherwise eligible for a bonus and vested while in my employment?
A. Employers may be obligated to pay former employees that are eligible and vested while in their employment *provided that* the employee did not terminate his or her employment with the employer prior to the due date for payment of the bonus. In other words, if the Employer fails to pay the bonus within 30 days of receipt of payment on the bonus claim, the Employee may leave the Employer but the Employer will still be obligated to pay the bonus to the Employee. Please see the Employee Separation FAQs for more information.

Q. Do the bonuses have to be paid out as payroll or can they be 1099. If they can be 1099, will a form 1099 issued to the employee (under the employee's social security number) for any payment as Federal income tax will most likely be owed?
A. For federal income tax purposes, bonuses are considered supplemental wages and are required to be included as wages on the employee's W-2. See IRS Publication 15, *Employer's Tax Guide,* and IRS publication 525, *Taxable and Nontaxable Income*, for more information.

Q. Will the state reimburse employer costs incurred for releasing HWB Program bonus payments such as FICA and payroll taxes?
A. Yes, employers will receive reimbursement for FICA and payroll taxes.

Q. What is the appropriate Federal tax to assign to HWB Program bonus payments to employees?
A. The Department of Tax and Finance (DTF) recommends employers reference the Internal Revenue Service (IRS) Tax Code – Supplemental Wage Guidance on Page 20 of 2022 Publication 15 (irs.gov).

Q. Are HWB Program bonus payments exempt from New York State and local income tax?
A. Yes, the HWB Program bonus payments to employees is exempt from both NYS and local income tax (in municipalities such as New York City).

Q. With the knowledge that HWB Program bonus payments are exempt from NYS and local income tax, how should I reflect that on the check to my employee?
A. As there is no state withholding requirement for employees, employers should coordinate with their payroll vendor to remove state/local taxes for the bonus payments.

Q. Are HWB Program bonus payments subject to federal or other state taxes?
A. The bonus payment is not exempt from Federal or other State taxes.

Q. We are aware that HWB Program bonus payments to employees are exempt from NYS income tax for NYS residents. Does the same apply for employees that do not live in NYS but are eligible for the program?
A. Yes, the HWB Program bonus payments made to eligible employees who live out-of-state are exempt from NYS income taxes.

Q. Should Governmental entities, that meet the definition of qualified employers, but are not State entities submit bonus claims in the portal for their eligible employees?
A. Yes, governmental entities (i.e. County nursing homes), who meet the definition of qualified employers, but are not State entities and who do not employ qualified State employees should submit claims in the portal for their eligible employees.

Q. Is the HWB Program payment subject to the health facility cash receipts assessment (including the nursing home cash assessment)?
A. No. HWB Program payments are not subject to the health facility cash receipts assessments.

Q. How should employees ensure their HWB Program bonus remain exempt from NYS taxes when filing their 2022 taxes, as W-2 income for Federal and State taxes must match?
A. Eligible employees should complete Form IT-225, and submit with their NYS tax return.

Q. When reporting employee earnings, what box on the W-2 should the HWB Program bonus be listed?
A. The HWB Program bonus should be recorded in Box 14 of the W-2.

Payment Issuance

Q. I am a qualified employer. How will I be issued the bonus payments?

A. Medicaid Employers (MMIS ID): Bonuses will be paid as a lump sum and included in qualified employer's weekly Medicaid cycle payment from eMedNY. The bonus payment due to eligible employees will appear under reason code **"HWB".**

Additionally, the employer share of FICA, calculated at 7.65% of the total bonus amount will appear separately under reason code **"FTX".**

Non-Medicaid Employers (SFS Vendor ID): Bonuses will be paid to the employer via the State Financial System.

Q. I am a qualified employer. May I keep any portion of the bonus payment?
A. No. A qualified employer shall not keep any portion of the bonus amount. Please note that the FICA portion is not due to the employee but must be remitted on behalf of the employee.

Q. Will employers be notified when payments will be made out of SFS and eMedNY and will a remittance be provided?
A. The HWB Program Portal will notify employers when payment information is available and offer an employee-level remittance for employers via the email employers registered to sign in to the HWB portal. A reason will be provided for any submitted employee whose bonus amount was reduced or rejected during processing. Remittance advice information will also be available on the HWB Program Portal.

Q. I'm an eligible Employer, I submitted for vesting period three, when should I receive payment?
A. If you submitted for vesting period three, please see the table below for payment information. This table will be updated as information becomes available.

Submission Period	MMIS Submission	SFS Submission
One (08/03/2022 – 09/02/2022)	eMedNY Cycle 2352	10/05/2022
Two (10/01/2022 – 11/30/2022)	eMedNY Cycle 2366	01/11/2023
2.5 (02/01/2023 – 03/03/2023)	eMedNY Cycle 2382	05/03/2023
Three (04/01/2023 – 05/01/2023)	eMedNY Cycle 2393	07/19/2023

Please Note: SED Providers will begin receiving payments on 1/13/2023

Q. I am an employer. If I provided a bonus to my eligible employees prior to receipt of payment on the bonus claim, does this satisfy the requirement to pay a bonus under the HWB program?
A. No. An employer must identify eligible employees, submit a claim and receive payment from the HWB payment first. Bonuses as required by Part ZZ of Chapter 56 of the Laws of 2022 can only be paid to employees ***after*** claims are received, reviewed and payment is received by the employer through eMedNY or SFS.

Q. What should I do if I notice or suspect a mistake in an employee's bonus amount?
A. If you suspect an overpayment, please refer to question ***"Q. What happens if I identify an overpayment after a submission period is closed?"***. If you suspect it is an underpayment

please refer to question ***"Q. What happens if I recognize an underpayment after a submission period is closed?"***

Q. What happens if I recognize an error during the submission period?
A. While the applicable claiming period is open, the HWB Portal includes a delete function to remove submissions made in error. Once an erroneous submission is deleted, a corrected submission can be loaded into the HWB portal.

Q. If an employer identifies an error in a bonus claim where they claimed a lower bonus amount for an eligible employee that they should have, how can the employer amend a submission to ensure the employee receives the correct amount?
A. Effective April 1st, a correction process is available. Instructions on how to submit corrections to modify either an employee's salary or hours worked from a previous submission can be found within the HWB Portal End User Guide available within the HWB Portal. The correction process is for employers to correct awarded bonuses ranging from $0.00 to $1000.00 which were determined by the Employer to have been lower than they should have been. Correction payments will be paid as a lump sum and included in qualified employer's weekly Medicaid cycle payment from eMedNY. Cycle information published once available.

Q. What happens if I identify an overpayment after a submission period is closed?
A. Please note this process is for **EMPLOYERS** only. Employers are required to report, return, and explain any overpaid HWB funds received. Additional information, including directions on reporting and returning your overpayment can be found here: Office of the Medicaid Inspector General - Self Disclosure of HWB Program Payments.

Please Note: Employers are prohibited from recovering bonuses paid to Employees under the HWB program even if the payment is later identified as an overpayment. See "***Q. Can an Employer take back the HWB bonus from and Employee?"***.

Q. What happens if I recognize an underpayment after a submission period is closed?
A. An amended submission process is under development for identified underpayments. This process will allow employers to amend previous submissions and receive an additional payment for the underpaid portion of the previous submitted claim. Further guidance is forthcoming on this process.

Q. In the event that I am unable to issue payment to a former employee, or later determine a submitted employee to be ineligible, how do I return an overpayment of HWB bonus to the State?
A. Employers who have received a bonus payment for an ineligible employee, regardless of the reason, must return the HWB to the State. Employers' participation is subject to audit, investigation and review of paid claims by the Office of Medicaid Inspector General. Overpayments must be returned to OMIG. For more information on how employers should return HWB overpayments please see: Self-Disclosure of Health Care Worker Bonus Payments | Office of the Medicaid Inspector General (ny.gov).

Q. What happens when a submission period has closed, and an employer mistakenly applied for an employee who is not qualified for the bonus or applied for a larger value bonus than the employee should have received?
A. Employers who have received a bonus payment for an ineligible employee, regardless of the reason, must return the HWB to the State. Employers' participation is subject to audit, investigation, and review by the Office of Medicaid Inspector General. Overpayments must be returned to OMIG. For more information on how employers should return HWB overpayments please see: Self-Disclosure of Health Care Worker Bonus Payments | Office of the Medicaid Inspector General (ny.gov).

If the submission period is still open See *"Q: What happens if I recognize an error during the submission period?"*

Q. What is the appeals process for an employee who had their submitted bonus amount reduced by the State in the HWB Program portal?
A. There is no appeals process required for the HWB Program. Qualified employers who have questions about their bonus payments should submit questions directly to the State to understand payment amounts and associated reductions.

Q. If an employer identifies an error in a bonus claim where they claimed a lower bonus amount for an eligible employee that they should have, how can the employer amend a submission to ensure the employee receives the correct amount?
A. Additional guidance is forthcoming.

Q. Should bonus payments be reduced for any wage garnishment liabilities (e.g., for child support)?
A. HWB Program bonus payments must be offset by a qualified employer in compliance with any legally enforceable order against an eligible employee's wages, which includes the HWB bonus payment.

A previous version of this Q&A indicated that the HWB program should not be reduced for any wage garnishment liabilities. This was incorrect.

An employer who failed to withhold as required by a legally enforceable order against an employee's wages, which includes the HWB payment should review the legally enforceable order for the remedies required if such withholding was not made.

Eligibility (Employees)

Q. I am an employee; how can I find out if I am eligible?
A. Employees should contact their employer to determine their eligibility status. In addition, a list of qualified employees and worker titles has been posted here.

Q. Are Medical Residents and Medical Fellows eligible titles for the bonus?
A. Yes, Medical Residents and Medical Fellows have been determined to be eligible titles under the authority provided by SOS § 367-w(2)(a)(iii).

Q. What does "All Other Health Care Support Workers" mean?
A. "**All Other Health Care Support Workers**" refers to workers that support the provision of health care services to patients in front-line settings for these titles. Such workers must provide patient-facing care provided within a patient care unit of a hospital or other institutional medical setting in support of treating and caring for patients.

This includes:

- Hospitals and Nursing Homes (Article 28 of Public Health Law)
- OMH Psychiatric Centers (Article 7 of Mental Hygiene Law)
- OASAS Addiction Treatment Centers (Article 19 of Mental Hygiene Law)
- Residential programs operated or certified by OPWDD, OMH, and OASAS (Articles 16, 31, and 32 of Mental Hygiene Law)
- Medicaid Assisted Living Programs (PHL Article 46-B)
- Hospice Residences (PHL Article 40)

These titles are included below:

All Other Patient Facing Care Support Workers in Article 28 Facilities:
Admitting Clerk
Admitting Clerk Cashier
Ward Clerk
Critical Care Clerk
Discharge Control Clerk
Emergency Services Clerk
Front Desk Clerk
Lead Intake Specialist
Operating Room Clerk
Unit Clerk
Ward Clerk
Admitting Clerk
Registration Clerk
Unit Secretary
Unit Associate
Unit Coordinator
Unit Receptionist
Unit Secretary
Unit Assistant
Unit Associate
Ward Clerk
Dietary Aide
Food Prep/Service Worker
Dietary Worker
Dining Assistant

Dining Aide
Dietary Worker
Food & Nutrition Aide
Food Prep/Service Worker
Building Attendant
Building Service Aide
Building Service Worker
Custodian
Environmental Services Worker
Floor Maintenance Worker
Maintenance/Physical Plant workers
Sanitation Worker
Service Worker
Environmental Service Aide/Tech
Maintenance/Physical Plant workers
Support Services Worker
Floor Maintenance Worker
Housekeeping Worker and Maids
Security Guards
Peace Officers

Q. What does "various mental hygiene workers" mean?
A. The Mental Hygiene titles listed in the statute at SOS § 367-w(2)(a)(ii) are taken from the title series in the Consolidated Fiscal Reporting and Claiming Manual (CFR), which includes additional descriptions of the referenced titles. The relevant description for titles under the CFR can be found in Appendix R.

Q. Which employers are included in the education sector, which will participate in the October rollout?
A. For school districts, charter schools, nonpublic schools, approved preschool programs for students with disabilities, BOCES, and private institutions of higher education, the healthcare worker bonus portal will open on October 1, 2022.

Q. Are Nursing Homes not enrolled in Medicaid Qualified Employers?
A. Nursing Homes who are not currently enrolled in the Medicaid program would only be Qualified Employers if they have a Vendor ID (and receive payments) through the Statewide Financial System (SFS).

Q. Is there a definition for each job title?
A. The majority of the job titles are pulled directly from the Bureau of Labor Statistics (BLS). The definition of each BLS job title is available on O*Net Online.

The Mental Hygiene titles listed in the statute at SOS § 367-w(2)(a)(ii) are taken from the title series in the Consolidated Fiscal Reporting and Claiming Manual (CFR), which includes additional

descriptions of the referenced titles. The relevant description for titles under the CFR can be found here in Appendix R.

Q. Please clarify the 'All Other Health Care Support Workers' section in the eligible title list found on the DOH website https://health.ny.gov/health_care/medicaid/providers/hwb_program/#titles?

A. Employees with titles on this list working in a hospital or institutional setting who **provide patient-facing care** provided within a patient care unit and meet all other criteria for the HWB program are eligible for HWB bonus.

- Employees in titles such as Coders, Billers, Call Center and Security are not eligible
- Clerical/office staff within Certified Home Health are not eligible under the 'All Other Healthcare Support Workers' title, which is limited to article 28 institutional facilities.

Q. Is there a threshold of hours an employee must work in a 'hands-on clinical' environment to be eligible?

A. No, if the employee has an eligible title and meets all other statutory requirements, they are eligible.

Q. I am an employer with staff who support patients via telehealth. Are they eligible?

A. Employees that work remotely but serve patient-facing roles are eligible for the bonus assuming they meet all other statutory requirements.

Q. Are employees who used accruals such as sick, vacation or Family Medical Leave Act (FMLA) eligible for the bonus? How should I calculate their average hours?

A. Employers should calculate accruals as hours worked when loading data in the HWB Portal.

Q. Are employees who resigned prior to the payment of the HWB bonus eligible?

A. Employers may be obligated to pay former employees that are eligible and vested provided that the employee did not terminate employment prior to the due date to pay the bonus.

Q. Can DOH provide guidance on the standard calculation for average weekly hours worked?

A. Employees must have worked 20 hours on average during the 6-month vesting period. Employers should calculate accruals as hours worked when loading data in the HWB Portal. For example, if an employee used 40 hours of vacation accruals during a week, those 40 hours would count towards their average weekly hours. Employers should exclude overtime hours when calculating the average weekly hours **(however employers should include weekend or holiday hours worked, regardless of the rate of pay, so long as the total hours worked remains under overtime thresholds, see 12 NYCRR 142-2.2).** Additional examples will be provided prior to the submission close date, but some common examples have been included below:

Period	Salaried Employees	Hourly Employees
Vesting Period for Employee Attestation	**Example Method:** Base Salary = Annual Salary divided in half – any bonuses or overtime pay received in the vesting period	**Example Method:** Base Salary = [Hourly Wage * (Average Hours Worked in Vesting Period – Overtime Hours) * 26 weeks – any

		bonuses or overtime pay received in the vesting period]
	Example: Annual Salary = 50K Employers should report Salary as 25K during 6-month vesting period	**Example:** Earns $25/Hour and worked 35 Hours per week excluding overtime over the six-month period = $22,750 (25*35*26)
Annual Salary for Submission on HWB Template	Annual Salary	Vesting Period Earnings * 2

Q. How should Employers calculate the annualized base salary for a vesting period (See Vesting Schedule)?
A. If an Employee is salaried, Employer should divide their annual salary in half. For example, if employee makes $50,000 a year their salary during a vesting period would be $25,000. If an employee is hourly, Employer should use moment in time calculation, for example, employer should calculate salaried earned across all pay periods that occurred during a vesting period.

Q. If an eligible employee makes $125,000 or less annually but more than $62,500 during one given vesting period, are they still eligible?
A. The intent of the HWB Program is to fund bonus payments to eligible employees that make $125,000 or less annually.

For Qualified employers submitting claims for more than one vesting period at the same time (e.g., submitting employee claims for both vesting periods 1 and 2 during the October 2022 claiming window), employers should determine their employees' eligibility based on whether their employees' gross wages for both vesting periods were $125,000 or less. For example, if an employee made $60,000 in vesting period 1 and $63,000 in vesting period 2, the employee would be eligible for the bonus for both vesting periods because their gross wages were $123,000.

Note, where an employee makes *more* than $125,000 during the first two vesting periods, but meets the income eligibility during a single vesting period (e.g. $67,000 and $60,000 for vesting periods 1 and 2, respectively), and the employee is otherwise eligible, the employer should submit a claim for the vesting period in which the employee met the criteria (in this example, for vesting period 2).

Q. If an employee is paid per diem and their rate of pay exceeds the requirement of $125,000 annual base salary, but the employee did not work enough to earn the full $125,000 annual pay, should the employer submit a claim for the bonus where the employee is otherwise eligible?
A. Yes. An employee's annual base salary is based on the employee's gross wages during the vesting period, not the employee's rate of pay. Employers are expected to obtain the employee attestation and review payroll records to determine if employees' gross wages for the relevant period meets the eligibility requirements.

Q. Please confirm that nursing certification, shift differential payments (paid as one-time lump-sum payments or as an add-on) should not be considered as part of base salary.
A. Differentials are part of gross wages and ***should*** be considered in the calculation of an employee's annualized base salary.

Q. Can an eligible employee that works across multiple employers earn more than $1,500 in total across all employers from one vesting period?
A. No. Please see **"*Q. How much is the bonus to which eligible employees are entitled?"*** under section Portal Registration and Claims Submission.

Q. If an eligible "other healthcare support staff" worker is employed by an article 28 institution but works in a non-patient care building, are they eligible?
A. No these employees would not be eligible under the "other healthcare support staff" titles as they work in a setting where patient care is not provided.

Q. If employees do not have an SSN or ITIN, but their SSN is pending, are these staff eligible?
A. Employees must have an SSN or ITIN to be eligible for a bonus. If the employee's SSN or ITIN is pending, the Employer may submit their bonus claim once their SSN or ITIN is active.

Q. Do mental hygiene worker titles (e.g., program site director) also apply to staff types with similar functions in non-mental hygiene settings?
A. The titles under section 367-w(2)(a)(ii) only apply to employers subject to the reporting requirements identified in the Consolidated Fiscal Report (CFR). The CFR manual provides definitions of each title such that an employee that may be classified in a definition of a title may be characterized as that title.

Q. Are "other healthcare support workers" that work at an eligible physician practice eligible for the bonus?
A. No. Workers must provide patient-facing care provided within a patient care unit of a hospital or other Article 28 institutional medical setting in support of treating and caring for patients.

Q. Are volunteers eligible for the bonus, assuming they meet all the other criteria?
A. No. Volunteers are not considered eligible employees under the statute.

Q. Are contract staff eligible for the bonus? If they are, who is responsible for submitting these staff for a bonus? For example, if a hospital employs staff that fall under one of the eligible titles but are co-employed with a non-healthcare entity, are they eligible for the bonus?
A. Permanent, contract staff in eligible titles may receive the HWB assuming all other requirements are met. For the purposes of the HWB program, qualified employers that have engaged in staffing arrangements to obtain workforce services (PEOs and other third-parties) for employees engaging in front- line-hands on health care services in eligible employee titles are eligible for the HWB. The qualified employer, not the contracted agencies, must submit bonus claims for staff that perform work for the qualified employer under such arrangements and that otherwise meet the eligibility criteria to be an eligible employee.

The qualified employer is required to maintain records that demonstrate the employee was employed for the full vesting period. All qualified Medicaid employers must maintain contemporaneous records tracking all claims submitted for no less than six (6) years. The qualified employer must furnish such records upon request to the department, the Office of Medicaid Inspector General (OMIG), the US Department of Health and Human Services, and the deputy attorney general for Medicaid Fraud.

Q. Are medical residents eligible for the bonus?
A. Yes. As reflected in the prior FAQ regarding the administrative flexibility offered for the Vesting Period 1 and 2 submissions, and in recognition that residents move to other residencies or attending roles around June/July, these employees would be considered eligible under Vesting Periods: 1, 2, 3 and 5. The only vesting period that would present inconsistencies with seasonal changes in employment for residents would be Vesting Period 4.

Q. Our system is comprised of multiple employers versus only one employer. An employee who leaves one employer (part of our network) to go to another employer within our network, the employee would not be qualified due to not having continuous employment with the same employer. Is that accurate?
A. If the health system has an MMIS ID that is linked to the other employers within the health system, the employee will be eligible even if they transition to another employer within the same health system.

Please see response to ***"****Q. I am an employer with employees who support multiple MMIS ID's across our organization, how should I report this employee in the HWB Portal?"* for additional information.

Q. Are management and supervisors, such as nursing, tech supervisors, dietary supervisors, that otherwise meet all eligible staff criteria eligible for bonuses?
A. Management and supervisors that also work under an eligible title and otherwise meet all criteria for eligibility may be eligible for the bonus. Management and supervisory responsibilities alone do not disqualify an employee from eligibility.

Q. Should State agencies use the online portal to apply for bonuses for their employees, and should State employees complete the employee attestation?
A. State employees should not complete the employee attestation included on this website. The process for payment of bonuses to eligible New York State employees are detailed in the Budget Bulletin issued by the Division of the Budget.

State agencies should not use this portal to apply for bonuses for their employees. The Budget Bulletin from the Division of the Budget provides comprehensive instructions to ensure eligible State employees are paid promptly.

Q. Who is responsible to claim for a Resident that vested during vesting period 1, but graduated in June/July 2022 and is no longer employed by the Employer they were with during vesting period 1?

A. The Qualified Employer that employed the Resident during vesting period 1 is responsible for claiming and paying the bonus. Employers ***will*** be able to submit claims for Vesting Period 1 during Vesting Period 2.

Please see ***"Q. I am a qualified employer who was unable to complete my submission of qualified employees during a prior vesting period. Can I submit employees eligible for a bonus for Vesting Period 1 and/or 2 at a later date?"*** under section Portal Registration and Claims Submission for more information.

Q. What payments and compensation are considered part of an employee's base salary?
A. Base salary is defined to include an employee's gross wages less any bonuses or overtime. Gross wages are defined under Labor Law Section 517 and 20 NYCRR § 2380.4.

Q. Does any additional pay outside of an employee's base salary count as bonus or overtime? For example, if a salaried employee picks up an additional shift at a different rate than their salary, is this considered overtime?
A. Overtime under the HWB program refers to any statutory overtime required to be compensated at 1 ½ times the regular rate of pay pursuant to New York State Minimum Wage Orders or the federal Fair Labor Standards Act (FLSA).

Q. Should I include unpaid leave or accruals in calculating Employee hours?
A. Employers should include any allowable leave or accruals that were used by the employee during the vesting period, whether or not the time off is paid or unpaid.

Q. Does an employee's title alone qualify them for a bonus? For example, an RN working in "Employee Health" unit and does not interact with patients that are general members of the public.
A. The "patient-facing" function or role of an eligible employee is only relevant for workers who qualify under the "All Other Health Care Support Workers" category in institutional settings. Registered Nurses, for example, are eligible for the bonus regardless of function with a Qualified Employer assuming the employee meets the other eligibility criteria.

Q. If an employee is out on disability receiving statutory disability pay, should this time be counted towards their hours worked?
A. Yes.

Portal Registration and Claims Submission

Q. I am an Employer with multiple MMIS IDs, which should I use to submit for the health care worker bonus?
A. Within the HWB Program Portal, a provider will have the ability to link an MMIS ID to a user account, the provider can then link other associated MMIS IDs to that user account. A provider will then have the ability to submit employees for the bonus based on the associated MMIS ID that best fits the employee's situation. Employers with multiple MMIS IDs should only use one MMIS ID on the HWB Portal system to claim bonus payments.

Q. Should Providers use their MMIS ID to register for the HWB Portal or their SFS Vendor ID?
A. Employers who are enrolled to receive payments from eMedNY and meet all other requirements to be eligible for the HWB Program, should utilize their New York State Medicaid Management Information System (MMIS) ID to register for the HWB Portal and claim for employees meeting the 20% Medicaid threshold, regardless of the status of their SFS ID.

Employers who are not enrolled to receive payments from eMedNY but meet all other requirements to be eligible for the HWB Program, should utilize their State Fiscal System (SFS) Vendor ID should refer to FAQs below.

A brief video on registration is available here.

Q. Should I use an SFS ID to register on the HWB Portal?
A. If you are seeking to claim bonuses for eligible staff employed in programs that provide Medicaid services funded by: the Office for People with Developmental Disabilities (OPWDD), Office of Mental Health (OMH), Office for the Aging, and Office of Addiction Services and Supports (OASAS) you should utilize your Medicaid Management Information System number (MMIS ID) to submit claims for Medicaid services.

However, you should utilize your SFS ID to submit claims for eligible staff employed in programs that provide non-Medicaid services, or if you don't have a MMIS ID.

If you are not funded through the above agencies, you should utilize your Medicaid Management Information System (MMIS ID) number. You can verify your MMIS is active by calling the eMedNY Call Center at (800) 343-9000. Call center representatives are available from 8:00AM to 5:00PM, Monday through Friday.

Please note that the education and state operated facility portion of the bonus program will rollout in Fall. **If the above scenarios do not apply to you, you are likely not an eligible employer according to Part ZZ of Chapter 56 of the Law of 2022**.

Q. I operate under the Office of Mental Health (OMH) how do I obtain my SFS vendor ID?
A. To receive payments from NYS, entities are required to obtain access to the NYS Statewide Financial System (SFS) and have an SFS Vendor ID#.

To obtain an SFS Vendor ID#, please complete the Substitute W-9 Form found here New York State Substitute Form W-9. Once completed please double check that the legal name and TIN fields are accurate, as discrepancies in these fields will cause processing delays. After you double check the information in the form, please send the signed form to OMHLocalAdminServices@omh.ny.gov for processing. Processing the form in the system should take about a week, and then you will receive your SFS user name and password by email. If you do not receive an email within 7 business days, please check your junk folder, and if it is not there, please contact OMHLocalAdminServices@omh.ny.gov for a status update.

After the login information is received, SFS functions as a self-service portal where banking information, additional users and additional addresses can be added. For information on the self-service functionality, please see the SFS vendor page found at

https://www.sfs.ny.gov/index.php/vendors contact the SFS helpdesk at helpdesk@sfs.ny.gov or (518) 457-7717 or (855) 233-8363 toll-free.

Q. I operate under Office of Addiction Services and Supports (OASAS), how do I obtain my SFS ID?
A. To receive payments from NYS, entities are required to obtain access to the NYS Statewide Financial System (SFS) and have an SFS Vendor ID#.

To obtain an SFS Vendor ID#, please complete the Substitute W-9 Form found here New York State Substitute Form W-9. Once completed please double check that the legal name and TIN fields are accurate, as discrepancies in these fields will cause processing delays. After you double check the information in the form, please send the signed form to the OASAS mailbox B1184Requests@oasas.ny.gov for processing. Processing the form in the system should take about a week, and then you will receive your SFS username and password by email. If you do not receive an email within 7 business days, please check your junk folder, and if it is not there, please contact B1184Requests@oasas.ny.gov for a status update.

After the login information is received, SFS functions as a self-service portal where banking information, additional users and additional addresses can be added. For information on the self-service functionality, please see the SFS vendor page found Homepage (ny.gov) or contact the SFS helpdesk at helpdesk@sfs.ny.gov or (518) 457-7717 or (855) 233-8363 toll-free.

Q. I operate under Office for People with Developmental Disabilities (OPWDD), how do I obtain my SFS ID?
A. All OPWDD providers who receive payments other than Medicaid from NYS already have a Statewide Financial System (SFS) Vendor ID#. This is required for your agency to access SFS and receive payments. If you would like to confirm your SFS Vendor ID#, please contact central.operations@opwdd.ny.gov. Please use MH Worker Bonus in the subject of the email to ensure a timely response.

If you deliver non-Medicaid supports and services and don't already have an SFS Vendor ID#, you can obtain one by completing the New York State Substitute W-9 Form. Once completed please double check that the legal name and TIN fields are accurate, as discrepancies in these fields will cause processing delays. After you double check the information in the form, please send the signed form to central.operations@opwdd.ny.gov for processing. Processing the form in the system should take about a week, and then you will receive your SFS username and password by email. If you do not receive an email within 7 business days, please check your junk folder, and if it is not there, please contact central.operations@opwdd.ny.gov for a status update.

After the login information is received, SFS functions as a self-service portal where banking information, additional users and additional addresses can be added. For information on the self-service functionality, please see the SFS vendor page found at: https://www.sfs.ny.gov/index.php/vendors or contact the SFS helpdesk at helpdesk@sfs.ny.gov or (518) 457-7717 or (855) 233-8363 toll-free.

Q. Will I receive a remittance advice or information on approved payments?

A. Providers/Employers will see the HWB bonus as a Lump Sum (HWB-HW Bonus) line item on their Medicaid remittance at the same time they normally receive their remittance for an eMedNY claim cycle, whether it's an electronic or a paper remittance. If they receive electronic remittances, they will see the remittance prior to receiving payment. If they receive a paper remit, the paper will accompany the remittance.

In addition, there may be information about the payment on the HWB Program Portal.

Q. I am a qualified employer. Do we need to submit additional documents from employees to receive the HWB program bonus?
A. Employers are required to submit their qualified employees' data in a specified data format that will be provided by the department. All qualified Medicaid employers must maintain contemporaneous records tracking all claims submitted for no less than six (6) years. An employer must furnish such records upon request to the department, the Office of Medicaid Inspector General (OMIG), the US Department of Health and Human Services (HHS) and the deputy attorney general for Medicaid Fraud.

Q. I am an Employer with eligible employees, what should I do next?
A. You will need to utilize the following web portal to make the claim. Please go to www.NYSWorkerBonus.com and begin reviewing important instructional information.

Providers enrolled in the NYS Medicaid (eMedNY) system:

Before you do so, please verify that you have an active Medicaid Management Information System (MMIS ID). You can verify your MMIS is active by calling the eMedNY Call Center at (800) 343-9000. Call center representatives are available from 8:00AM to 5:00PM, Monday through Friday.

Providers who are NOT enrolled in the NYS Medicaid (eMedNY) system:

If you do not have an MMIS ID, meaning you are not enrolled in the NYS Medicaid system, you will need to verify that you have a Statewide Financial System (SFS) ID.

The agencies with providers who may not be in NYS Medicaid (eMedNY) system may include: Office of Mental Health, Office for People With Developmental Disabilities, Office of Children and Family Services, Office of Addiction Services and Supports and the New York State Education Department. Once you have confirmed that you are actively enrolled or your SFS ID is active, you can prepare information for submission of reimbursement for eligible employees. More details, including a *Technical User Guide*, can be found within the HWB Program Portal.

Education Sector Employers:
The healthcare worker bonus portal will open for education sector employers on October 1, 2022. ***NOTE***: Qualified employers that employ workers paid by the State ***should not*** claim through the HWB Program Portal and should instead work through their respective State agency for more details. See section Education Sector Employers for additional information.

Q. What should an eligible Medicaid employer do when they can't register with their Medicaid Management Information System (MMIS ID), or do not have an MMIS ID?

A. Please call the HWB Call Center at 1-866-682-0077. The operating hours are Monday through Friday, 8:00 AM until 5:00 PM.

Q. I am a qualified employer, what is the timeline for submitting for bonus payments for eligible employees?
A. Employers must submit claims for bonus payments within 30-days after the completion of each vesting period as defined by the schedule published by the Department. For the first vesting period, the 30-day claim filing deadline begins on the date the vesting schedule is published. Employers are required to pay bonuses within 30-days of receipt of payment on a claim for each qualified employee. Although employees may be eligible for vesting periods worked in the past (e.g. 10/1/21 to 3/31/22), the bonuses are not payable until the employer claims and receives payment. Advance payments are not permitted.

Q. I am a qualified employer may I keep any portion of the bonus payment?
A. No. A qualified employer shall not keep any portion of the bonus and any bonus amount not paid to an employee must be returned to the department.

Q. I am a qualified employer and have applied for health care worker bonuses on behalf of my qualified employee(s). I should have received the bonus payment for distribution, who can I call to check on the status of my payment?
A. You may log onto the HWB Program Portal and review the status of the claims submitted. If additional information is necessary, please call the HWB Call Center at 1-866-682-0077.

Q. I am a qualified employer. When will I be able to claim a bonus for my qualified employee(s)?
A. Please refer to the vesting schedule posted here.

Q. Can you elaborate more on the vesting periods? Is it just any 6-month time period?
A. The "vesting period" is defined in SOS section 367-w(2)(d) as a six-month period between the dates of October 1, 2021 and March 31, 2024 included in a vesting schedule published by the Commissioner. Upon completion of six-months of consecutive employment by an employee with a qualified employer that ends within a vesting period established in the Vesting Schedule, the employer has thirty-days from the end of the vesting period to submit a claim for the bonus payment. See Vesting Schedule.

Q. Is an employer required to provide a bonus to an otherwise eligible employee who has been terminated for cause, whether prior to or after the deadline for the employer's payment of the bonus?
A. Employers may be obligated to pay former employees who are eligible and vested while in their employment *provided that* their employment was not terminated within thirty (30) days of the Employer receipt of bonus funds. As such, if the employee was terminated after the employer's payment of the bonus, the employer is still required to pay the bonus to the employee.

Q. What is the employer's obligation in relation to the bonus, if an employee is promoted within a vesting period from an eligible title to an ineligible title?
A. Upon completion of six-months of consecutive employment by an eligible employee with a qualified employer that ends within a vesting period established in the Vesting Schedule, the

employer has thirty-days from the end of the vesting period to submit a claim for the bonus payment. See the Vesting Schedule.

Q. How much is the bonus to which eligible employees are entitled?
A. Employers will pay bonus amounts to qualified employees based on the number of hours worked during the vesting period.

- Qualified employees who work at least 20 hours but no more than 30 hours per week are eligible for a bonus of $500.
- Qualified employees who work at least 30 hours but no more than 35 hours per week are eligible for a bonus of $1,000.
- Qualified employees who work at least 35 hours per week are eligible for a bonus of $1,500.

A qualified employee is eligible for only two vesting periods per employer in an amount equal but not greater than $3,000 across all employers.

Q. I am an employer with multiple facilities and MMIS ID's. Can I register them together?
A. The HWB Portal is designed to allow multi-site entities with multiple MMIS ID's to register all associated MMIS ID's under a single account. There is no limit on the number of MMIS ID's an employer can register to an account. Reimbursement from eMedNY will be made to the account (EFT)/location (paper check) designated by each MMIS ID registered under that account.

Separately, entities with multiple MMIS ID's do have the option should they choose of using a single MMIS for all employee bonus claims.

Q. I am an employer with employees who support multiple MMIS ID's across our organization, how should I report this employee in the HWB Portal?
A. Employees should be submitted once under the MMIS ID where the employee worked the majority of hours in the vesting period. The hours worked at other MMIS ID's should be included in the single submission. Multiple submissions for the employee by the same organization will result in system rejections for duplication.

Large employers with employees who work across multiple tax IDs within (or directly affiliated to) their health system should consider those employees as vested/eligible if they met all the eligibility requirements and were employed for the entire vesting period by the health system. The health system should claim these employees under the applicable tax ID where the employee worked the majority of the time during the applicable vesting period.

Q. I am an employer with an employee that has both an SSN and ITIN, which should I use?
A. Employers should never submit separate claims with the ITIN on one and SSN on the other. An ITIN should only be submitted when the employee does not have a valid SSN.

Q. Will employers be notified when payments will be made out of SFS and eMedNY and will a remittance be provided?
A. The HWB Portal will notify employers when payment information is available and offer an employee-level remittance for employers.

Q. As an employer, once I receive payment from SFS or eMedNY, what are my obligations?

A. Employers must reimburse their eligible employees within 30 days of receipt of the HWB payment from the state. Employers have no requirement to release the bonus payments as separate checks, so long as they bonus payment is identifiable to the employee and can be verified on audit.

Q. I am a qualified employer who was unable to complete my submission of qualified employees during a prior vesting period. Can I submit employees eligible for a bonus for Vesting Period 1 and/or 2 at a later date?
A. Providers/Employers who were not able to or did not complete submission of qualified employees within 30 days of the end of the Vesting Period when the employee was eligible are able to file a late submission.

Employers ***will*** be able to submit claims for any prior vesting period during any submission period. For example, during Submission Period 5, employers will be permitted to submit claims for any of the five Vesting Periods.

- Employers should make every attempt to submit claims as soon as the employee is eligible.
- Employers must validate that employee(s) met all other qualifying criteria during the respective vesting period.
- This flexibility does not change the criteria that a qualified employee is eligible for only two vesting periods per employer in an amount equal but not greater than $3,000 across all employers.

Please be advised that, in accordance with SOS § 367-w(4)(f), claims submitted more than 30 days after the respective Vesting Period are technically late for filing purposes. All Employers should document and retain information regarding the reason for any late submission for audits and investigation purposes relating to the submission of claims for the HWB Program.

Employee Separation

Q. Are employers obligated to pay the HWB bonus to former employees?
A. Employers may be obligated to pay former employees that are eligible and vested while in their employment provided that the employee did not terminate his or her employment with the employer prior to the due date for payment of the bonus. The following table shows when the employer must provide the bonus payment.

Separation Facts	Employee is eligible	Employee is not eligible
The employee vested, was employed at the time of the claim, and the employee continues to be employed when the employer receives the bonus payment.	✓	
The employee vested, was employed at the time of the claim, and stays with the employer for at least 30 days after the employer received the bonus payment. The employer fails to pay the bonus within 30 days of receipt, then the employee leaves.	✓	

The employee vested and before the employer submits a claim the employee is terminated by the employer.	✓	
The employee vested, was employed at the time of the claim, and then the employee is terminated by the employer.	✓	
The employee vested but the employee quits the employer prior to the bonus being claimed.		✓
The employee vested, was employed at the time of the claim but the employee left before the employer receives the bonus payment.		✓
The employee vested, was employed at the time of the claim and when the employer received the payment, but the employee leaves less than 30 days after the employer received the payment.		✓
The employee vested, was employed at the time of the claim and when the employer received the payment, and the employee leaves less than 30 days after the employer received the payment ***but after*** the employer pays the bonus.	✓	

Q. If an employee retires, are they entitled to a bonus payment?
A. An employee retirement is analogous to the employee quitting or leaving their employer. See the above table for guidance on whether the employee is entitled to the bonus payment depending upon when they separated from the employer.

Q. If an employee passes away, is the employee or the employee's estate entitled to a bonus payment?
A. When an employee passes away, the employment relationship ends similar to when the employee quits or leaves their employer. See the above table for guidance on whether the employee or the employee's estate is entitled to the bonus payment depending upon when the employment relationship ends.

Enforcement

Q. Will the employer's determination of employee eligibility be subject to review?
A. Yes. SOS §367-w (3)(d) requires employers to maintain contemporaneous records to substantiate claims submitted and such records must be submitted upon request to the Department, OMIG, DOL, HHS and MFCU. SOS §367-w (5) permits OMIG, in consultation with the Department, to conduct audits, investigations, and reviews of employers submitting claims for the HWB.

Q. What if I am a qualified employer but do not apply for the bonus on behalf of my eligible employees?
A. If a qualified employer fails to identify, claim, or pay a bonus to an eligible employee they are subject to sanction, up to and including exclusion from the Medicaid program, and may be subject to penalty. See SOS §367-w (5).

Q. What happens if an employer mistakenly applied for an employee who is not qualified for the bonus or applies for a larger value bonus than the employee should have received?
A. If the employer receives a bonus for an employee who is not eligible to receive a bonus or an amount in excess of what the employee is qualified for that bonus amount must be returned to the Department. An employer is not entitled to retain any portion of the bonus payment.

Q. What if an employer fails to pay a HWB claimed and received on behalf of an eligible employee?
A. Any employer who fails to pay any part of the bonus payment to a designated employee shall remain liable to pay that bonus to the eligible employee regardless of any sanction or penalty OMIG may impose. See SOS §367-w (5)(c).

Q. If an employer improperly claims and pays a bonus to an ineligible employee will OMIG recover the payment from the employee?
A. No. All recovery of inappropriately paid bonus payments shall be recovered from the employer and the employer does not have the right to recover any inappropriately paid bonus from the employee. See SOS §367-w (5)(d).

Employee Help

Q. I am an employee and did not receive my health worker bonus, but believe I am eligible. What should I do?
A. First, please review these Q&A and the HWB webpage to see if you may be an eligible Employee. If you think you meet the criteria AND you worked for an entire vesting period, you may be entitled to an HWB bonus payment. Employers are responsible for determining which employees are eligible for the bonus. Therefore, you are encouraged to work with your employer to see if a resolution can be reached. Please note that your Employer has **about 90 days** after the end of your vesting period to pay you the bonus.

As such, you should first contact your employer and ask why you were not submitted for the bonus. If you believe your employer made a mistake in their determination of your eligibility, and the period for submitting claims is still open, please attempt to resolve the matter with your employer.

The Office of the Medicaid Inspector General (OMIG) has developed a process for employees to submit allegations that their employer has not complied with the requirements of the Healthcare Worker Bonus program. If you cannot reach a resolution with your employer, and wish to file an allegation, you will be required to complete a form that includes (1) your title, (2) your period of employment and average hours worked during the applicable vesting period, (3) your earnings excluding bonuses and overtime, and other pertinent information.

Process to File an Allegation:

- Please click Health Care Worker Bonus Employee Inquiry for the form that needs to be filled out and submitted to OMIG.
- Please click Healthcare Worker Bonus Employee Inquiry Form Instructions for instruction on how to complete each section of the Healthcare Worker Bonus Employee Inquiry Form.

If you have questions related to submitting the Healthcare Worker Bonus Employee Inquiry Form, or related to a submitted inquiry, please send an email to bmfahwb@omig.ny.gov or call (518) 402-6231.

Q. Can an Employer take back a HWB bonus payment from an Employee?
A. No. Once an Employer pays a bonus to an Employee under the HWB program, the Employer may not take back any portion of that bonus payment from the Employee, *even if* the claim is determined inappropriately paid and recovered by the Office of Medicaid Inspector General (OMIG). *See* SOS § 367-w(5)(d). If an Employer pays a bonus under the HWB program, and then attempts to take back any portion of the bonus payment from the Employee, the Employee should contact the **New York State Department of Labor** at **(888) 469-7365**.

Help and Support

Q. How do I contact the State if I have any questions or concerns on the HWB Program?
A. The fastest way to obtain an answer is to review the published guidance and FAQs the Department has posted to its website:

- HWB Program Website and Guidance
- HWB Program Frequently Asked Questions (FAQs)

If your specific inquiry is not addressed in the provided guidance, The Department is committed to updating the information as new questions come in and are answered. To this end, the Department has established an email address, NYSWorkersBonus@health.ny.gov, dedicated to the HWB program. Please direct your inquiry to this inbox to make sure your questions are received and processed.

If your question is pertaining to the online claim's portal and technical assistance questions on how to submit your claims, The Department has established the **HWB Program Call Center which can be reached at 1 (866) 682-0077.** Operating hours are Monday through Friday, 8:00 AM until 5:00 PM.

Q. How do I stay informed of changes or updates to this and other programs? And how do I sign up for Provider ListServ to ensure I have up to date information?
A. The HWB Program Portal will be updated regularly with program updates and/or the most up to date information for employers. Please visit the eMedNY ListServ page to subscribe to applicable Listservs.

Q. How can I find more information regarding the Healthcare Worker Bonus (HWB) Program and Claim Portal?
A. Please visit the HWB Program Portal. For additional questions please contact the HWB Program Call Center at 1 (866) 682-0077. The operating hours are Monday through Friday, 8:00

AM until 5:00 PM. Additional information is also provided on the Department of Health HWB Program website.

DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

November 7, 2023

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

Legislative authorization is requested to convey properties located in the Town of Colonie, 201 Spring Street Road and 2A Lincoln Avenue which are pending final foreclosure due to environmental concerns to the Advance Albany County Alliance Local Development Corporation. The Al-Tech Steel site was identified as the top redevelopment opportunities in the Alliance's 2021 Shovel-Ready Sites Analysis. The size and infrastructure capabilities of the site will make it an attractive site for high-capital, high-job investments in strategic County industries like clean energy manufacturing, nanotechnology, and/or life sciences. The Alliance and my office have been working diligently with NYSDEC to facilitate the agreements needed to redevelop the site.

If you should have any questions, please do not hesitate to contact me.

Sincerely

Daniel P. McCoy

Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4824, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Property Conveyence-Town of Colonie-Properties of the Al Tech Steel Site 201 Spring Street Road 44.1-1-7.1 and 2A Lincoln Avenue 44.1-1-7.2

Date:	11/7/2023
Submitted By:	Lucas Rogers
Department:	County Executive
Title:	Economic Development Coordinator
Phone:	518-447-5566
Department Rep. Attending Meeting:	Lucas Rogers

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☒ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe

☐ Personnel
☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Advance Albany County Alliance Local Development Corporation
111 Washington Avenue
Albany, NY 12210

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Property Conveyance for Economic Development

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☐ No ☒
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

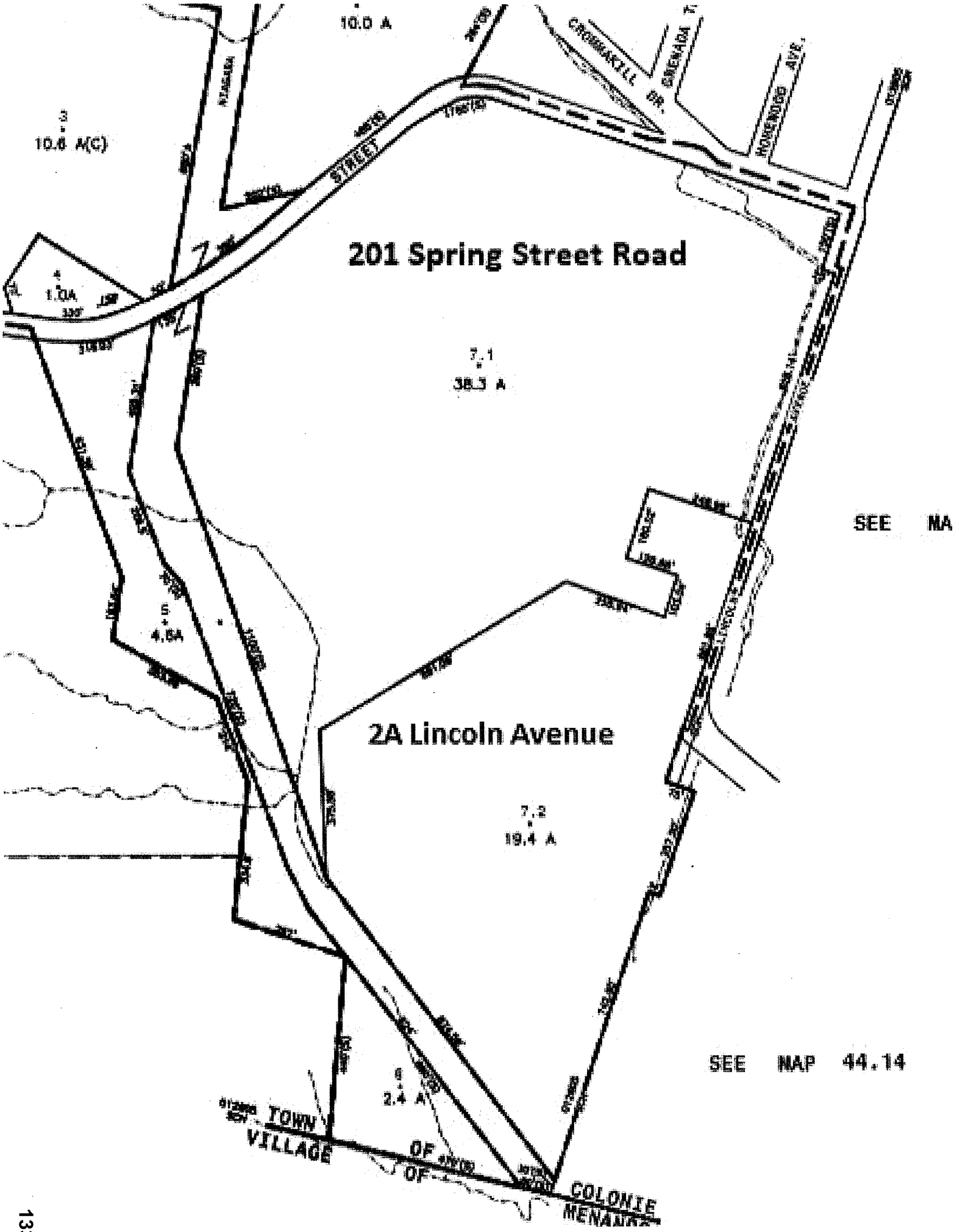
Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
Legislative authorization is requested to convey properties located in the Town of Colonie, 201 Spring Street Road and 2A Lincoln Avenue which are pending final foreclosure due to environmental concerns to the Advance Albany County Alliance Local Development Corporation. The Al-Tech Steel site was identified as the top redevelopment opportunities in the Alliance's 2021 Shovel-Ready Sites Analysis. The size and infrastructure capabilities of the site will make it an attractive site for high-capital, high-job investments in strategic County industries like clean energy manufacturing, nanotechnology, and/or life sciences. The Alliance and my office have been working diligently with NYSDEC to facilitate the agreements needed to redevelop the site.


10.0 A
3
10.6 A(C)
STREET
CROSSKILL DR.
GRENADA
HOLLENDER AVE.
201 Spring Street Road
4
1.0A
7.1
38.3 A
SEE MA
5
4.6A
2A Lincoln Avenue
7.2
19.4 A
SEE MAP 44.14
6
2.4 A
TOWN
VILLAGE
OF
OF
COLONIE

CERTIFICATE OF WITHDRAWAL

(Real Property Tax Law, §1138 (subds.1, 2 and 3))

INDEX NO. 6098-11

TO THE ALBANY COUNTY CLERK:

PLEASE TAKE NOTICE that the following parcel of real property included on the List of Delinquent Taxes for the "In Rem" delinquent tax lien foreclosure proceeding filed by the County of Albany, New York, Tax District in your Office under the above Index No. on February 1, 2012 covering the Towns in Albany County:

PARCEL No. 6098-11-0000247

OWNER(S) Realco, Ltd.

ADDRESS Lincoln Ave

Town of Colonie

TAX MAP No. 044001000100700200000

is hereby **WITHDRAWN** from said foreclosure proceeding by me for one or more of the following reasons *(check all that apply):*

____ There is reason to believe that there may be a legal impediment to the enforcement of the tax lien(s) affecting said parcel.

____ The tax lien(s) on said parcel has/have been canceled or is/are subject to cancellation pursuant to section 558 of the Real Property Tax Law.

____ The enforcement of the tax lien(s) on said parcel has/have been stayed by the filing of a petition pursuant to the Bankruptcy Code of 1978 (Title 11 of the United States Code).

X If the Tax District were to acquire said parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing said tax lien(s).

____ The owner of said parcel has entered into an agreement to pay said tax lien(s) in installments pursuant to section 1184 of the Real Property Tax Law and has not defaulted thereon.

____ Said parcel was included in the Petition for Foreclosure in said proceeding, but it has since been demonstrated to my satisfaction as Enforcing Officer that said parcel is residential or farm property, and as such, said parcel is not yet subject to inclusion in such a Petition.

_X_ The facts which render said parcel eligible for withdrawal from said proceeding are as follows: environmental concerns

PLEASE TAKE FURTHER NOTICE that pursuant to Real Property Tax Law, §1138 (sub. 2 (b) you are therefore required and directed to upon the filing of this Certificate of Withdrawal in your Office enter on said List of Delinquent Taxes the word "withdrawn" and the date of such filing opposite the description of said parcel.

PLEASE TAKE FURTHER NOTICE that pursuant to Real Property Tax Law, §1138 (subd. 3) the filing of this Certificate of Withdrawal has no effect upon the delinquent real property tax lien(s) against said parcel, or upon the notice of pendency of said proceeding as to said parcel, unless such lien(s) are canceled and, if said lien(s) are not canceled, said proceeding may be reinstated against said parcel.

DATED: June 29, 20 16

TAX ENFORCING OFFICER
COUNTY OF ALBANY, NEW YORK, TAX DISTRICT

M. DAVID REILLY, ~~Albany~~ County Acting
Commissioner of Management and Budget

CERTIFICATE OF WITHDRAWAL

(Real Property Tax Law, §1138 (subds.1, 2 and 3))

Albany County Clerk
Document Number 11047768
Rcvd 12/14/2011 2:19:19 PM

INDEX NO. 4249-07

TO THE ALBANY COUNTY CLERK:

PLEASE TAKE NOTICE that the following parcel of real property included on the List of Delinquent Taxes for the "In Rem" delinquent tax lien foreclosure proceeding filed by the County of Albany, New York, Tax District in your Office under the above Index No. on July 13, 20 07 covering the Town in Albany County:

PARCEL No. 4249-07-000153

OWNER(S) Realco, Inc

ADDRESS 201 Spring Rd

Town of Colonie

TAX MAP No. 044001 0001 007001 0000

is hereby **WITHDRAWN** from said foreclosure proceeding by me for one or more of the following reasons *(check all that apply):*

____ There is reason to believe that there may be a legal impediment to the enforcement of the tax lien(s) affecting said parcel.

____ The tax lien(s) on said parcel has/have been canceled or is/are subject to cancellation pursuant to section 558 of the Real Property Tax Law.

____ The enforcement of the tax lien(s) on said parcel has/have been stayed by the filing of a petition pursuant to the Bankruptcy Code of 1978 (Title 11 of the United States Code).

X If the Tax District were to acquire said parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing said tax lien(s).

____ The owner of said parcel has entered into an agreement to pay said tax lien(s) in installments pursuant to section 1184 of the Real Property Tax Law and has not defaulted thereon.

____ Said parcel was included in the Petition for Foreclosure in said proceeding, but it has since been demonstrated to my satisfaction as Enforcing Officer that said parcel is residential or farm property, and as such, said parcel is not yet subject to inclusion in such a Petition.

The facts which render said parcel eligible for withdrawal from said proceeding are as follows: Potential Environmental Issue

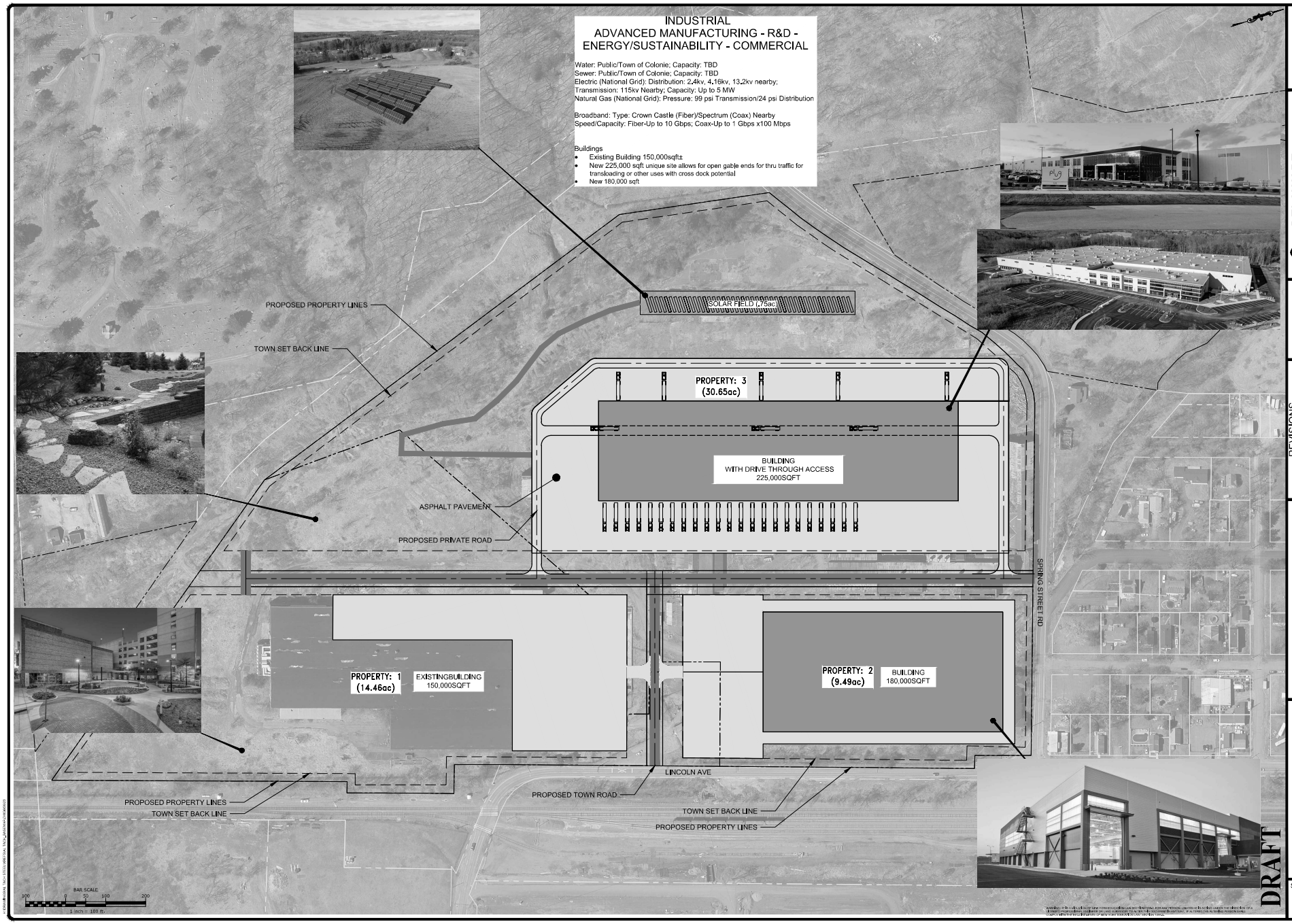
PLEASE TAKE FURTHER NOTICE that pursuant to Real Property Tax Law, §1138 (sub. 2 (b) you are therefore required and directed to upon the filing of this Certificate of Withdrawal in your Office enter on said List of Delinquent Taxes the word "withdrawn" and the date of such filing opposite the description of said parcel.

PLEASE TAKE FURTHER NOTICE that pursuant to Real Property Tax Law, §1138 (subd. 3) the filing of this Certificate of Withdrawal has no effect upon the delinquent real property tax lien(s) against said parcel, or upon the notice of pendency of said proceeding as to said parcel, unless such lien(s) are canceled and, if said lien(s) are not canceled, said proceeding may be reinstated against said parcel.

DATED: December 9, 20 11

TAX ENFORCING OFFICER
COUNTY OF ALBANY, NEW YORK, TAX DISTRICT

JOHN P MCPHILLIPS, JR., Albany County
Commissioner of Management and Budget



DATE: 6/23/2023
DRAWN BY: ERNST
SCALE: AS SHOWN
REVIEWED BY: XXX
PROJECT NO.: XX-XXX
FILE: FILENME

DELAWARE ENGINEERING, D.P.C.
CIVIL AND ENVIRONMENTAL ENGINEERING
28 MADISON AVENUE EXTENSION, ALBANY, NY 12203 – 518.452.1290
52 SOUTH MAIN ST, ONEONTA, NY 13820 – 607.432.8073
54 GLENMAKE ST, PORTLAND, ME 04103 – 207.221.8086
548 BROADWAY, MONTICELLO, NY 12701 – 845.791.7777
223 MAIN ST, GOSHEN, NY 10924 – 518.452.1290

REVISIONS

NO.	DATE	DESCRIPTION
-	-	

AL TECH STEEL SITE
TOWN OF COLONIE
ALBANY COUNTY, NY

PROPOSED SITE OPTIONS

SHEET:
FIG1

FACT SHEET

State Superfund Program

AL Tech Specialty Steel
Lincoln Ave. & Spring St. Rd.
Town of Colonie

SITE No. 401003

March 2021

NYSDEC REGION 4

Cleanup Action to Begin at State Superfund Site

Action is about to begin that will address contamination related to a portion of the Former AL Tech Specialty Steel site ("site") located in the Town of Colonie at the intersection of Lincoln Avenue and Spring St. Road., Albany County by the New York State Department of Environmental Conservation (NYSDEC), under New York's State Superfund Program. Please see the map for the site location.

Remedial activities are expected to begin in April 2021, and last about two years. The estimated cost to implement the remedy is $14.5 million. The site is listed as a Class "2" site in the State Registry of Inactive Hazardous Waste Sites (list of State Superfund sites). A Class 2 site represents a significant threat to public health or the environment; action is required.

- Access project documents online through the DECinfo Locator: https://www.dec.ny.gov/data/DecDocs/401003/ .
- Documents also are available at the location(s) identified at left under "Where to find information".

Highlights of the Upcoming Cleanup Activities: The goal of this cleanup action is to remove the persistent threat of PCB-impacted Galbestos siding, contaminated building materials and unsafe structures from the site in order to protect public health and the environment. This work is being performed in preparation for additional remediation of the site in later phases. The key components of the OU-03 remedy are:

- Approximately 4,220 cubic yards of sheet metal coated with Galbestos, an asbestos- and PCB-containing material, will be carefully removed from the frames of the site structures, and shipped off-site for disposal.
- Other hazardous building materials, including but not limited to asbestos and PCB-containing window caulk will be removed from the on-site structures and will also be disposed off-site at a hazardous waste facility. Following removal of contaminated building components, the structures will be demolished and the steel recycled. Uncontaminated concrete and brick will be used as backfill on the site.
- Galbestos that has already deteriorated and fallen to the ground will be collected, bagged and staged for transport and disposal.
- Abatement of asbestos containing materials (ACM) will be conducted in accordance with applicable New York State Department of Labor regulations, including dust suppression measures as necessary.
- Recording an Environmental Easement to control future land use and to ensure implementation of the Site Management Plan.

A site-specific health and safety plan (HASP) and a Community Air Monitoring Plan (CAMP) will be implemented during remediation activities. The HASP and CAMP establish procedures to protect on-site workers and residents and includes required air monitoring as well as dust and odor suppression measures.

NEW YORK STATE | Department of Environmental Conservation

Where to Find Information

Access project documents through the DECinfo Locator and at these location(s):

Robert A. Fahr
Watervliet Public Library
1501 Broadway
Watervliet, NY 12189
(518) 274-4471
www.watervlietpubliclibrary.org

Key project documents and project summary also are available on the NYSDEC website at:
https://www.dec.ny.gov/chemical/96987.html

Who to Contact

Comments and questions are welcome and should be directed as follows:

Project-Related Questions
Benjamin Rung, Project Manager
NYSDEC
625 Broadway, 12th Floor
Albany, NY 12233-7017
(518) 402-9813
benjamin.rung@dec.ny.gov

Project-Related Health Questions
Steven Berninger
NYSDOH
Empire State Plaza
Corning Tower, Room 1878
(518) 402-7860
beei@health.ny.gov

For more information about New York's State Superfund Program, visit:
www.dec.ny.gov/chemical/8439.html

STATE SUPERFUND PROGRAM

Next Steps: After cleanup activities are completed, NYSDEC will prepare a Final Engineering Report (FER). The FER will describe the cleanup activities completed and certify that cleanup requirements have been achieved or will be achieved.

NYSDEC will keep the public informed throughout the cleanup of the site.

Site Description: The Al Tech Specialty Steel site lies in an industrial area in the Town of Colonie, Albany County. The 68-acre Al Tech Main Plant Area (MPA) lies southwest of the intersection of Lincoln Avenue and Spring Street Road. The MPA consists of eight large, and numerous smaller, empty and unused buildings, roadways, concrete foundation slabs and former industrial waste disposal areas. All of the onsite structures will be removed during this phase of the cleanup, except for the southern "Extrusion Building" which is not clad in Galbestos siding. The Kromma Kill, a tributary of the Hudson River, flows along the north and the east sides of the site.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, 401003) at:
https://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

Summary of the Investigation: Samples of all applicable media throughout the Al Tech Steel property have been collected and analyzed for potential contaminants. These media include soil, groundwater, surface water, sediment, and on-site building materials. Analysis of soil samples has shown that areas of the site are impacted by inorganics, PCBs, and petroleum, along with the metals chromium and nickel. PCBs are generally located in areas where electrical equipment was located or stored and at building perimeters beneath the Galbestos siding. Petroleum is present due to leaks from the fuel distribution system or other surface spills. Many of the manufacturing buildings are coated with a deteriorating material that contains PCBs and asbestos. The material is migrating from the buildings to the soil and potentially off-site.

Following the demolition of onsite structures, implementation of the remedies selected or proposed for other site Operable Units will take place. These will include the solidification and placement of sediments from the Kromma Kill on the Main Plant Area followed by a cover system, over these sediments and most site soils, meeting Commercial use criteria.

State Superfund Program: New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring. NYSDEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

For more information about the SSF, visit:
https://www.dec.ny.gov/chemical/8439.html

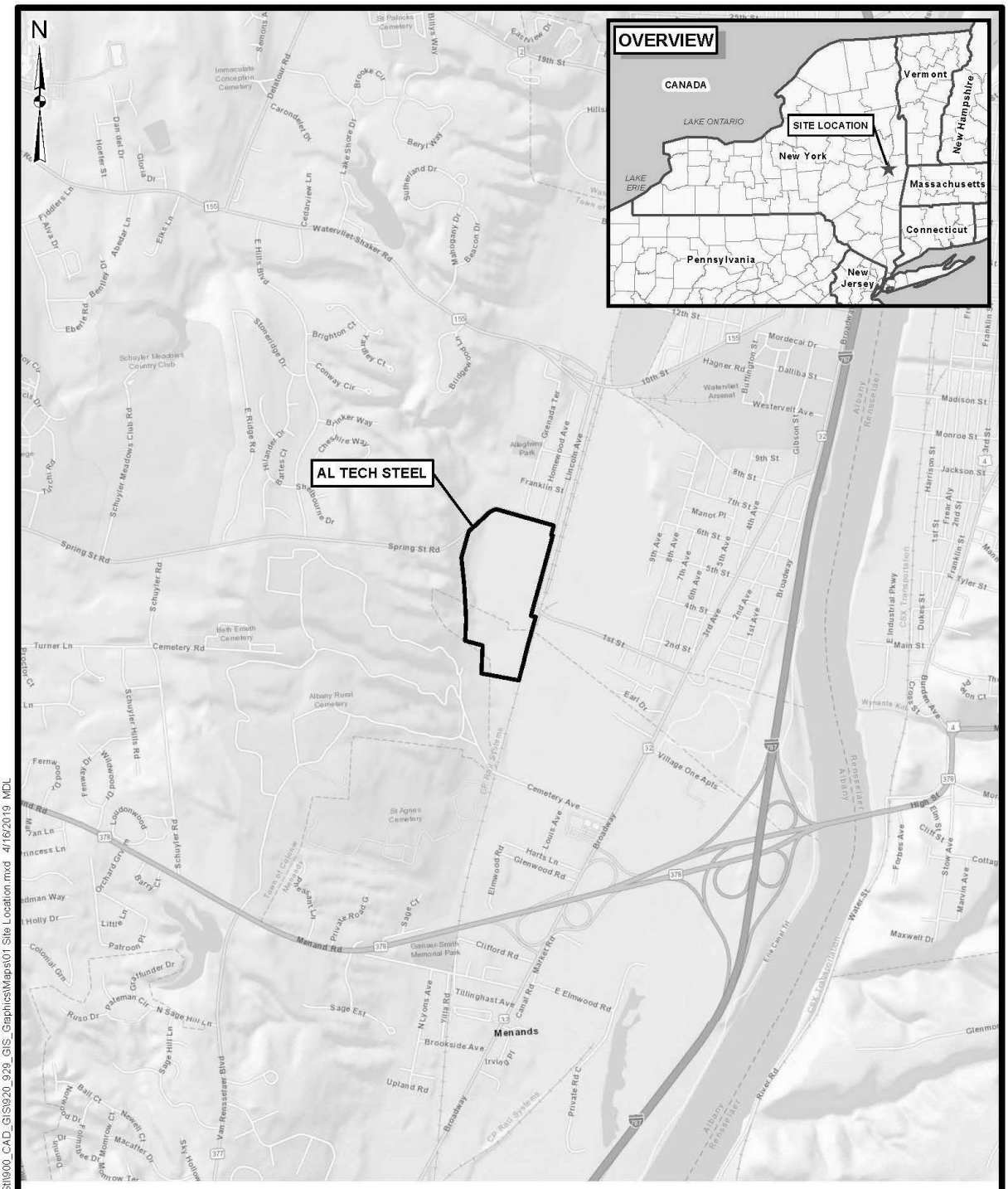
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Stay Informed With DEC Delivers
Sign up to receive site updates by email:
www.dec.ny.gov/chemical/61092.html

Note: Please disregard if you already have signed up and received this fact sheet electronically.

DECinfo Locator
Interactive map to access DEC documents and public data about the environmental quality of specific sites: https://www.dec.ny.gov/pubs/109457.html

STATE SUPERFUND PROGRAM



Source: ESRI World Street Map

J:\Projects\60594845_AL_TechSt\900_CAD_GIS\920_929_GIS_Graphics\Maps\01 Site Location.mxd 4/16/2019 MDL

URS

AL TECH STEEL
COLONIE, NEW YORK
SITE LOCATION

FIGURE 1-1

FACT SHEET

State Superfund Program

Al Tech Specialty Steel
Lincoln Ave. & Spring Street
Watervliet, NY 12189

SITE No. 401003

March 2019

NYSDEC REGION 4

Notice of Availability: Record of Decision

The New York State Department of Environmental Conservation (NYSDEC) announces that the printed Record of Decision (ROD) for the Al Tech Specialty Steel site ("site") located at 1200 Spring Street, Watervliet, Albany County is available for public review at the locations identified to the left under "Where to Find Information."

On Tuesday, January 22, 2019 NYSDEC held a public meeting presenting the Proposed Remedial Action Plan for the site. The comments received at this meeting and during the public comment period (January 3, 2019 through February 2, 2019), along with the administrative record, were considered in preparing the final ROD for the site. The ROD presents the remedy selected to address contamination related to the site and the rationale for the chosen remedy. The ROD also includes a Responsiveness Summary that addresses public comments received about the proposal. The estimated cost to implement the remedy is $16,600,000.

Record of Decision: The following is a summary of the chosen remedy described in the ROD:

- Excavation and off-site disposal of soil and concrete containing polychlorinated biphenyls (PCBs) in excess of 25 parts per million (ppm) in areas near former transformers, building floors, transformer/machinery pads, and test pits in the scrap metal storage area. It is estimated that 6030 cubic yards (CY) would be excavated, of which 1540 CY of soil will exceed the regulatory hazardous waste threshold of 50 ppm for PCBs;
- Excavation, stabilization and on-site disposal of soils located along both sides of the Kromma Kill from Spring Street south. These areas are comprised of fill material that contains lead in excess of the hazardous waste criteria, and that also contains PCBs, chromium and nickel. Approximately 4100 CY of soils are expected to be excavated to an estimated depth of 10 feet;
- Excavation, dewatering and on-site disposal of approximately 6190 CY of on-site Kromma Kill sediments extending from Spring Street south to the culverted section under Lincoln Avenue containing contaminants greater than the NYSDEC Class A Sediment Guidance Value. It is estimated that approximately 1540 CY of the sediment will be characterized as hazardous waste due to lead concentrations and will need to be chemically treated prior to on-site disposal under the site

Where to Find Information:
Project documents are available at the following location(s) to help the public stay informed.

Watervliet Public Library
1501 Broadway
Watervliet, NY 12189
(518) 274-4471
(director@watervlietpubliclibrary.org)

The ROD also can be reviewed on the NYSDEC website at:
http://www.dec.ny.gov/chemical/96987.html

Who to Contact:
Comments and questions are always welcome and should be directed as follows:

Project-Related Questions
Ruth Curley, Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016
(518) 402-9767
ruth.curley@dec.ny.gov

Project-Related Health Questions
Steven Berninger
NYSDOH
Bureau of Environmental
Exposure Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
(518) 402-7860
beei@health.ny.gov

For more information about New York's State Superfund Program, visit:
www.dec.ny.gov/chemical/8439.html

STATE SUPERFUND PROGRAM

cover. The remaining 4650 CY of sediment will be dewatered and disposed of on-site under the site cover;

- The Kromma Kill stream bed bathymetry and topography will be restored with appropriate stream bed material. If present, submerged aquatic vegetation in the remediation area will also be restored. Sediment traps will be constructed at the base of on-site tributaries to the Kromma Kill;
- A site cover will be required to allow for industrial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs);
- End-point soil samples and post-remedial groundwater samples will be collected to evaluate the effectiveness of the remedy;
- A Health and Safety Plan and Community Air Monitoring Plan will be implemented during all ground intrusive activities;
- A Site Management Plan (SMP) will be developed and implemented for long term maintenance of the remedial systems; and
- An Environmental Easement will be placed on the property to ensure proper use of the site.

Site Description: The Al Tech Specialty Steel site lies in an industrial area in the town of Colonie, NY. The 68 acre Al Tech Main Plant Area (MPA) spans the area between Lincoln Avenue and Spring Street Road and consists of eight large, empty and unused buildings, roadways, concrete foundation slabs and former industrial waste disposal areas. The 31-acre Al Tech Waste Management Area (WMA) is situated on a hillside along Spring Street Road and includes a 12-acre hazardous waste landfill. The Kromma Kill flows along significant lengths of the north and the east sides of the site. Other former industrial facilities are also located in the immediate vicinity including the former Delaware and Hudson Rail Yard and the former Adirondack Steel and Casting Corporation. A second inactive hazardous waste disposal site, the Former Bearoff Metallurgical, Site 401069, is just to the south of the landfill.

Summary of the Investigation: The primary contaminants of concern at the site are PCBs and metals including lead, chromium and nickel, which are present site-wide in soil and sediments. Petroleum product has been identified on top of the water table in some of the groundwater monitoring wells.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the Site ID, 401003) at:

http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

State Superfund Program: New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring.

NYSDEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

For more information about the SSF, visit:

http://www.dec.ny.gov/chemical/8439.html

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Receive Site Fact Sheets by Email

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at:

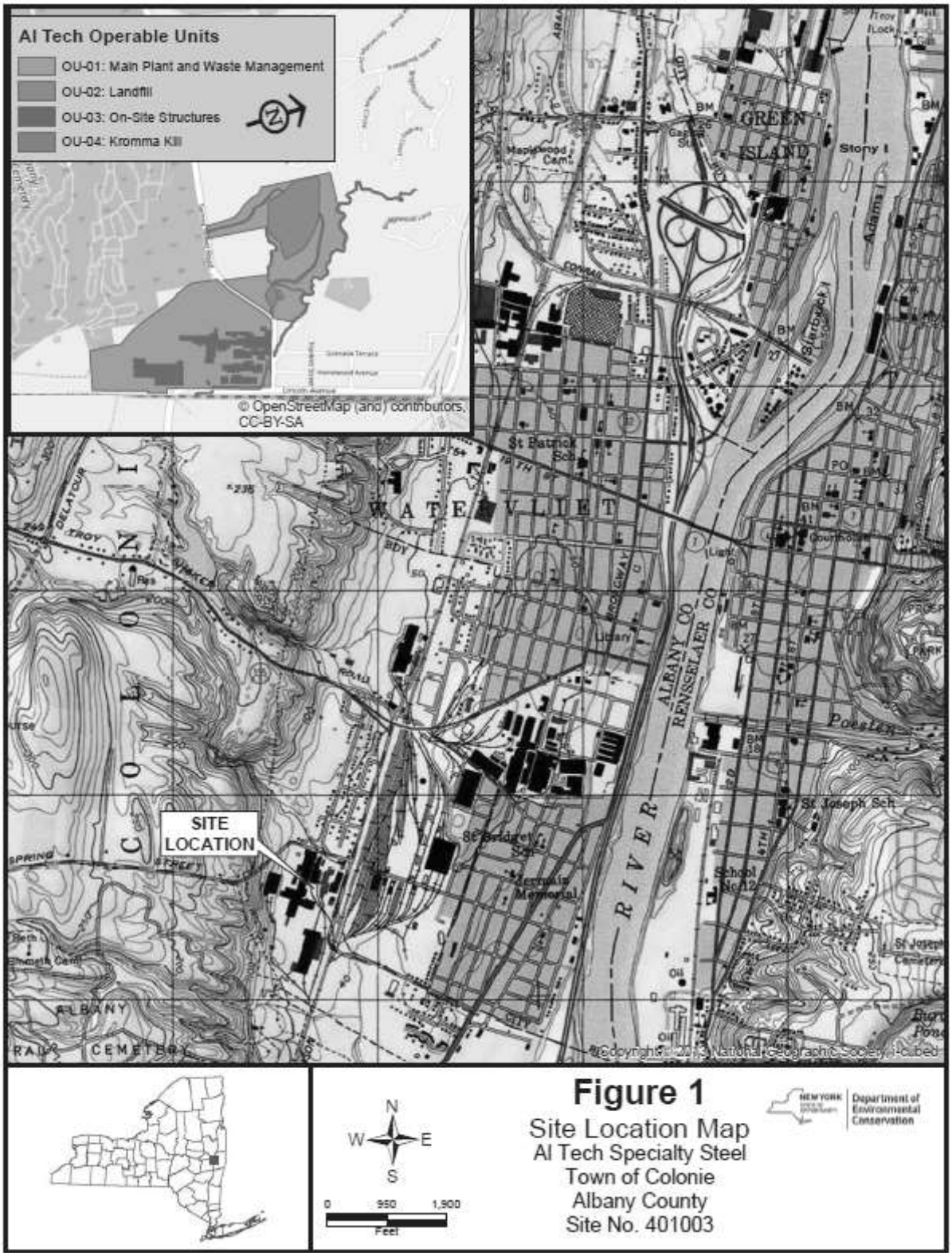
www.dec.ny.gov/chemical/61092.html

It's quick, it's free, and it will help keep you better informed. As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

Note: Please disregard if you already have signed up and received this fact sheet electronically.

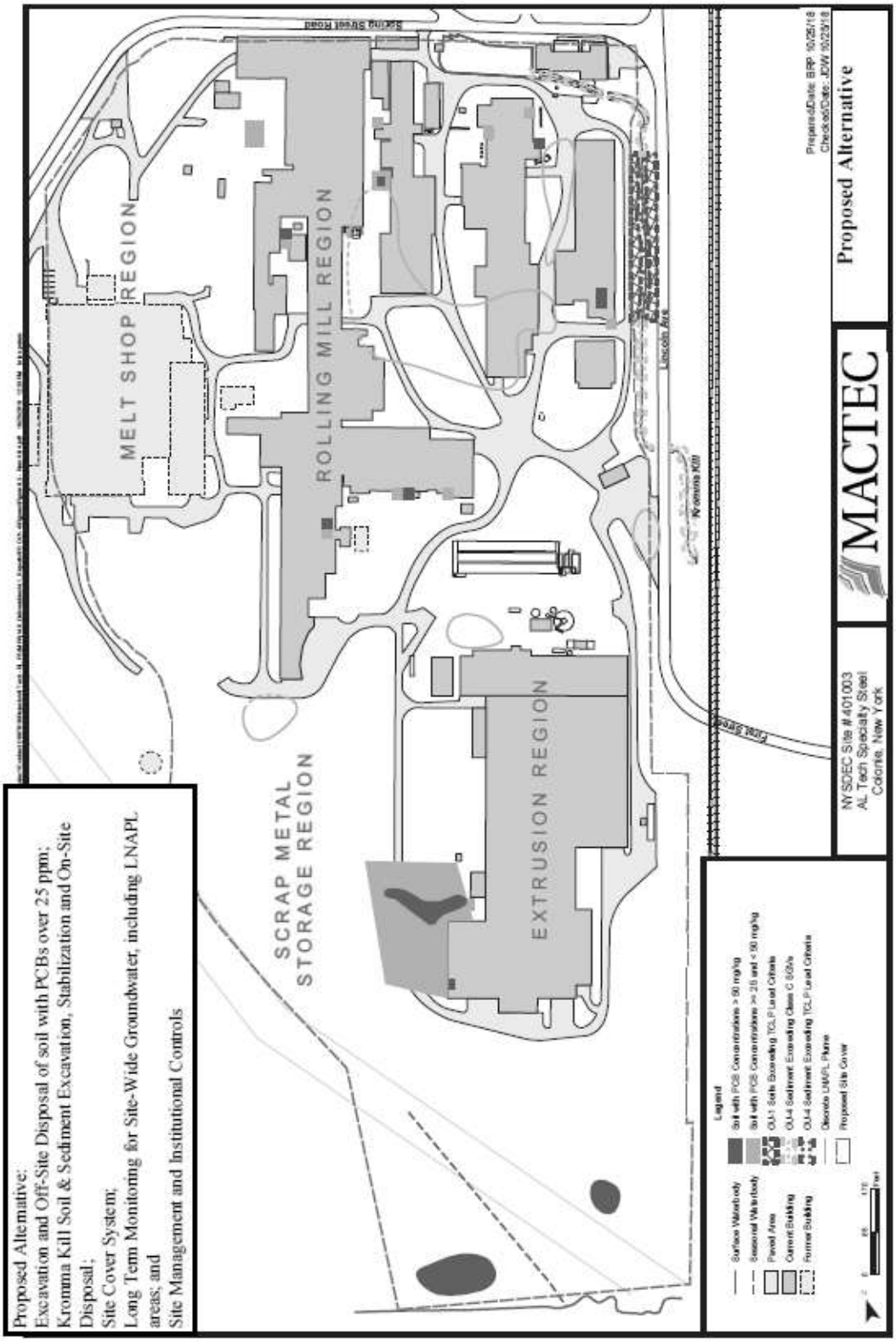
STATE SUPERFUND PROGRAM

SITE LOCATION MAP



STATE SUPERFUND PROGRAM

Figure of Selected Remedy



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

November 8th, 2023

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

The Office of the Albany County Executive is requesting approval and contract authorization for Albany County to purchase the Switzkill Farm property located on Game Farm Road in the Town of Berne. The property is approximately 358 acres and will be purchased for $150,000. Funding for the purchase will come from the Albany County Improvement Fund (A 8020 44976). Albany County will purchase the property from the Town of Berne, and will allow the Town of Berne continued used of the property for Town events, festivals, and recreational use.

If you should have any questions, please do not hesitate to contact me.

Sincerely

Daniel P. McCoy

Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
..title
Contract Authorization for the purchase of Switzkill Farm from the Town of Berne
..body

Date:	11/8/2023
Submitted By:	Patrick Curran
Department:	CEO
Title:	Policy Analyst
Phone:	5184475639
Department Rep. Attending Meeting:	Click or tap here to enter text.

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☒ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.:	Click or tap here to enter text.
Source of Funds:	Click or tap here to enter text.
Title Change:	Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

☐ Change Order/Contract Amendment
☒ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Town of Berne

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: $150,000
Scope of Services: Albany County will be purchasing the property of Switzkill Farm on Game Farm Road from the Town of Berne. The property is approximately 358 acres and will be purchased for $150,000.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: A 8020 44976
Appropriation Amount: $150,000

Source of Funding – (Percentages)

Federal:	0
State:	0
County:	100
Local:	0

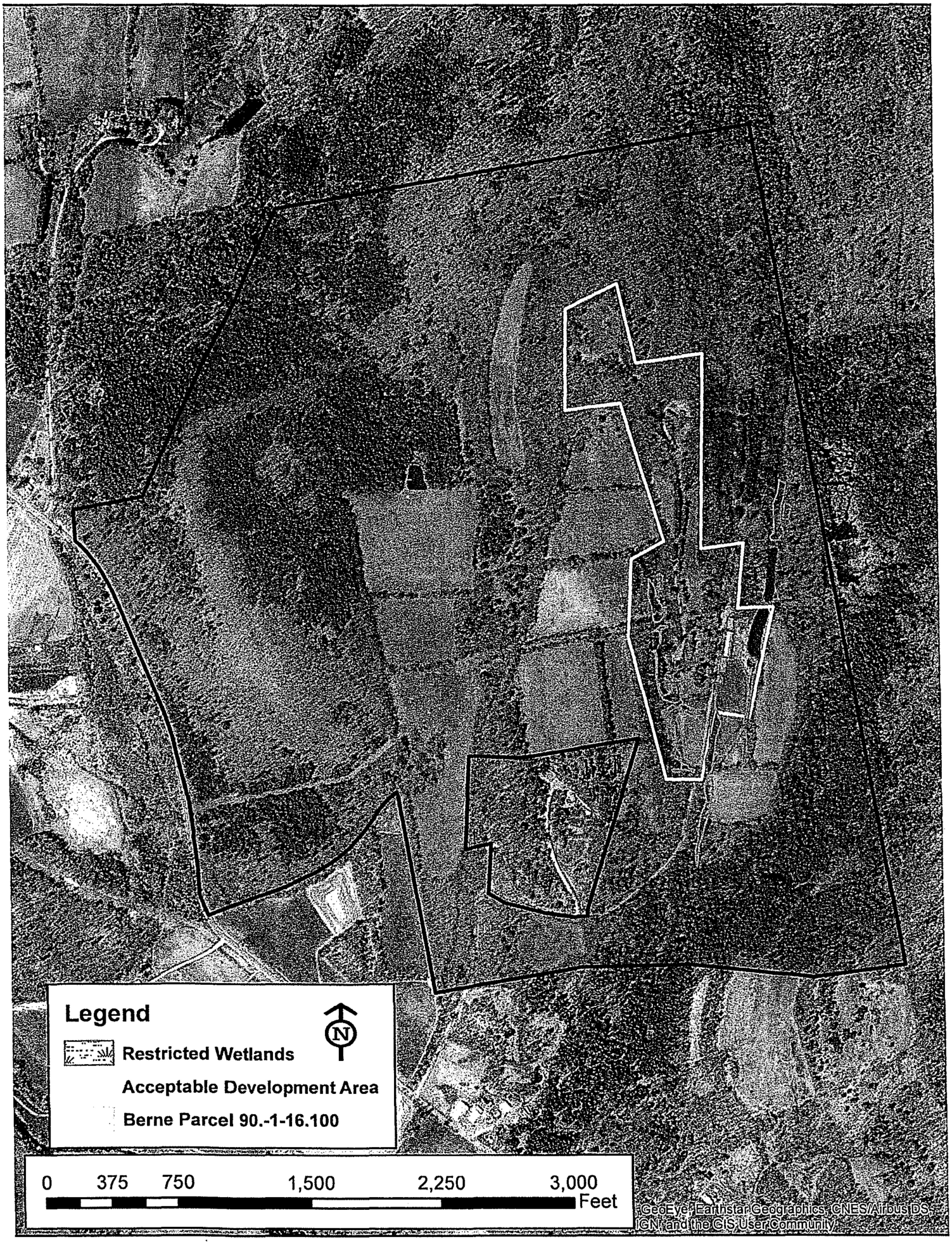
Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☐
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
The County Executive's Office is seeking approval and contract authorization for the purchase of the Switzkill Farm property located in the Town of Berne on Game Farm Road. The property is approximately 358 acres and will be purchased for $150,000. The County will purchase the property and allow the Town of Berne continued use of the property for Town events, festivals, and recreational use.


Legend
N
Restricted Wetlands
Acceptable Development Area
Berne Parcel 90.-1-16.100
0
375
750
1,500
2,250
3,000
Feet
GeoEye, Earthstar Geographics, CNES/Airbus DS, IGN, and the GIS User Community

DANIEL P. MCCOY
COUNTY EXECUTIVE

M. DAVID REILLY, JR
COMMISSIONER

PATRICK ALDERSON
DEPUTY COMMISSIONER

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, SUITE 1200
ALBANY, NEW YORK 12207
OFFICE: (518) 447-5525
FAX: (518) 447-5589
www.albanycounty.com

November 15, 2023

Honorable Andrew Joyce
Chairman, Albany County Legislature
112 State St, Suite 710
Albany, NY 12207

Chairman Joyce:

The Department of Management & Budget is requesting Legislative authorization to make several administrative adjustments to various 2023 departmental budgets, as shown on the attached amendment. These transfers are being requested to correct accounts that either are currently negative or are forecasted to go negative by year end. The net amount of transfers requested is $1,387,035, but overall the amendment is cost neutral. Additionally, the Department is requesting to accept $100,000 in grant funding through the Local Assistance and Tribal Consistency Fund program and an additional $300,000 in grant funding from New York State to support the Law Enforcement Assisted Diversion initiative.

I look forward to discussing this request at the next round of Legislative Committee meetings. If you have any questions beforehand, please don't hesitate to reach out.

Respectfully submitted,

M. David Reilly, Jr

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Majority Counsel
Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4859, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Request for Legislative Authorization for Administrative Adjustments to 2023 Budget and Acceptance of Local Assistance and Tribal Consistency Fund and NYS Legislative Initiative Funding grants

Date:	11/15/23
Submitted By:	David Reilly
Department:	Management and Budget
Title:	Commissioner
Phone:	518-447-5525
Department Rep. Attending Meeting:	David Reilly

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☒ Contractual
☐ Equipment
☒ Fringe
☒ Personnel
☒ Personnel Non-Individual

☒ Revenue

Increase Account/Line No.: See attached.
Source of Funds: See attached.
Title Change: N/A

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant
New
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
US Department of the Treasury (Local Assistance and Tribal Consistency Fund (LATCF))

Additional Parties (Names/addresses):
New York State (Legislative Initiative Funding)

Amount/Raise Schedule/Fee: $100,000 (LATCF); $300,000 (NYS Legislative Initiative Funding)
Scope of Services: LATCF - Under this program, recipients have broad discretion on uses of funds, similar to how they may use funds generated from their own revenue sources; NYS Legislative Initiative Funding - Funds used to support development of LEAD in Albany County

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

Revenue Account and Line:	See attached.
Revenue Amount:	$1,387,035
Appropriation Account and Line:	See attached.
Appropriation Amount:	$1,387,035

Source of Funding - (Percentages)

Federal:	7.2%
State:	21.6%
County:	71.2%
Local:	Click or tap here to enter text.

Original Awarding Agency / Funder:
US Department of Treasury
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term

Term: (Start and end date)	No end date to use funds.
Length of Contract:	Click or tap here to enter text.

Impact on Pending Litigation	Yes ☐ No ☐
If yes, explain:	Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number:	Click or tap here to enter text.
Date of Adoption:	Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

The Department of Management & Budget is requesting Legislative authorization to make several administrative adjustments to various 2023 departmental budgets, as shown on the attached amendment. These transfers are being requested to correct accounts that either are currently negative or are forecasted to go negative by year end. The net amount of transfers requested is $1,387,035, but overall the amendment is cost neutral. Additionally, the Department is requesting to accept $100,000 in grant funding through the Local Assistance and Tribal Consistency Fund program and an additional $300,000 in grant funding from New York State to support the Law Enforcement Assisted Diversion initiative. These grants have no end date for the use of funds.

BUDGET LINE						DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY						
				STATE POS. CODE	POSITION CONTROL					
A	A91620	44037	10000			Insurance	$12,254.00		$183,536.05	General Services
A	A91164	44037	10000			Insurance	$11,228.00		$65,085.88	General Services
A	A94610	44037	10000			Insurance		$4.00	$2,549.00	Crime Victim & Sexual Violence
A	A91185	44037	10000			Insurance		$31.00	$1,104.00	Coroner
A	A91165	44037	10000			Insurance		$67.00	$24,651.00	District Attorney
A	A91432	44037	10000			Insurance		$88.00	$3,627.00	Human Resources
A	A91345	44037	10000			Insurance		$132.00	$4,334.00	General Services
A	A91411	44037	10000			Insurance		$167.00	$9,111.00	Hall of Records
A	A91170	44037	10000			Insurance		$237.00	$10,822.00	Public Defender
A	A91430	44037	10000			Insurance		$273.00	$3,609.00	Civil Service
A	A91420	44037	10000			Insurance		$284.00	$4,860.00	Law
A	A91355	44037	10000			Insurance		$404.00	$22,304.00	Management & Budget
A	A98020	44037	10000			Insurance		$405.00	$4,617.00	Economic Dev. Conservation and
A	A91171	44037	10000			Insurance		$406.00	$7,477.00	Alternate Public Defender
A	A91410	44037	10000			Insurance		$431.00	$17,385.00	County Clerk
A	A91010	44037	10000			Insurance		$614.00	$11,591.00	Leglislature
A	A97310	44037	10000			Insurance		$642.00	$6,489.00	Children, Youth & Families
A	A91450	44037	10000			Insurance		$653.00	$9,037.00	Board of Elections
A	A96510	44037	10000			Insurance		$676.00	$6,235.00	Veterans
A	A96610	44037	10000			Insurance		$682.00	$6,335.00	General Services
A	A91230	44037	10000			Insurance		$800.00	$8,114.00	County Executive
A	A91340	44037	10000			Insurance		$817.00	$7,885.00	Management & Budget
A	A91315	44037	10000			Insurance		$1,185.00	$13,297.00	Audit and Control
A	A91310	44037	10000			Insurance		$1,615.00	$18,177.00	Management & Budget
A	A96772	44037	10000			Insurance		$1,698.00	$16,493.00	Aging
A	A94059	44037	10000			Insurance		$4,055.00	$37,917.00	Children, Youth & Families
A	A91172	44037	10000			Insurance		$5,000.00	$0.00	Assigned Counsel
A	A96010	44037	10000			Insurance		$12,966.00	$250,333.00	Social Services
D	D95110	44037	10000			Insurance	$18,568.00		$115,485.00	Public Works
D	D95110	44080	10000			Road Machinery Fund Payment		$18,568.00	$1,765,364.00	Public Works
A	A96010	19954	10000			Enhanced Pay	$41,000.00		$496,000.00	Social Services
A	A96010	12728	10000	001	460690	APPLICATIONS DEVELOPER		$41,000.00	$37,167.00	Social Services
A	A91185	44252	10000			Medical Services Therapy	$125,000.00		$425,000.00	Coroner
A	A91185	44048	10000			Laboratory Fees and Services	$150,000.00		$550,000.00	Coroner
A	A91185	44046	10000			Fees for Services	$25,000.00		$135,000.00	Coroner
A	1310	12914	10000	001	180084	Title Searcher	$10,200.00		$51,000.00	Finance
A	1310	16092	10000	001	180083	Abstractor	$1,120.00		$0.00	Finance
A	1310	44014				Bag Reduction Fee Expense	$108,267.00		$108,267.00	Finance
A	1310	44046				Fees for Services		$108,267.00	$527,633.00	Finance
A	1310	44117				TaxOnAdultUseCannabisDistMuni	$30,535.00		$30,535.00	Finance
A	1310	44116				TaxOnAdultUseCannabisCounty	$10,178.00		$10,178.00	Finance
A	1310	44046				Fees for Services		$40,713.00	$486,920.00	Finance
A	1310	44046	LATCF			Fees for Services	$100,000.00		$100,000.00	Finance
A	4322	44092	LIF23			LEAD Funding	$300,000.00		$300,000.00	Mental Health
A	1172	16199				Data Officer	$5,960.00		$0.00	Assigned Counsel
A	1680	19954				Enhanced Pay	$3,000.00		$81,000.00	Information Services
A	8021	19954				Enhanced Pay	$3,000.00		$6,000.00	Stormwater Coalition
A	1420	19954				Enhanced Pay	$6,000.00		$108,000.00	Law
A	1164	44046				Fees for Service	$9,250.00			DGS
A	1164	44024				Housekeeping		$2,845.00		DGS
A	1164	44070				Equipment Repair	$9,140.00			DGS
A	1164	44071				Property Repair	$9,775.00			DGS
A	1164	44998				Other Contractual Services	$9,450.00			DGS
A	1345	44042				Print & Advertising	$2,135.00			DGS
A	1610	44046				Fees for Service	$9,858.00			DGS
A	1610	44071				Property Repair	$9,791.00			DGS
A	1610	44725				Civic Ctr Park Garage	$9,022.00			DGS
A	1610	44914				Plaza Walkway Maintenance		$5,000.00		DGS
A	1620	19983				Boot Allowance		$4,000.00		DGS
A	1620	44022				Maint Supplies		$5,250.00		DGS
A	1620	44025				Electrical Supplies		$6,125.00		DGS
A	1620	44038				Travel & Mileage		$2,750.00		DGS
A	1620	44042				Print & Advertising	$9.00			DGS
A	1620	44046				Fees for Service	$9,955.00			DGS
A	1620	44050				Refuse Charge		$11,500.00		DGS
A	1620	44065				Photocopier Lease		$1,200.00		DGS
A	1620	44070				Equipment Repair	$9,850.00			DGS

A	1620	44071			Property Repair	$9,900.00		DGS
A	1620	44201			Uniforms		$5,895.00	DGS
A	1620	44301			Taxes		$22,750.00	DGS
A	1620	44999			Misc Contractual Exp	$9,925.00		DGS
A	1640	44046			Fee for Service		$10,000.00	DGS
A	1660	44070			Equipment Repair		$6,250.00	DGS
A	1670	44070			Equipment Repair		$17,750.00	DGS
A	6610	44072			Auto Maintenanc	$1,250.00		DGS
A	6610	44999			Misc Contractual Exp	$1,995.00		DGS
A	8754	44301			Flood & Erosion		$9,990.00	DGS
A	6989	44901			Payments to Debt Service	$152,106.00		$2,302,106.00 Management & Budget
A	6989	44920			Convention Center Planning Ctr	$228,159.00		$3,453,159.00 Management & Budget
A	6989	44999			Misc Contractual Expense	$76,053.00		$115,053.00 Management & Budget
A	1985	44000			Distribution to Municipalities	$212,287.00		$130,632,287.00 Management & Budget
					TOTAL APPROPRIATIONS	$1,741,220.00	$354,185.00	

ESTIMATED REVENUES

BUDGET LINE					DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY					
				STATE POS. CODE / POSITION CONTROL					
A	1310	04790	LATCF		Local Assistance & Tribal Consistency Fund		$100,000.00	$100,000.00	Finance
A	4322	03398	LIF23		LEAD Funding NYS		300,000.00	300,000.00	Mental Health
A	6989	01113			Hotel Occupancy Tax		456,318.00	6,906,318.00	Management & Budget
A	1985	01110			Sales Tax		530,717.00	326,580,717.00	Management & Budget
					TOTAL REVENUES	$0.00	$1,387,035.00		
					GRAND TOTAL	$1,741,220.00	$1,741,220.00		

GUIDANCE FOR THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

U.S. Department of the Treasury
Updated September 2023

INTRODUCTION

The U.S. Department of the Treasury (Treasury) is updating this guidance issued in July 2022 regarding the Local Assistance and Tribal Consistency Fund (LATCF), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (American Rescue Plan) and as amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023. This guidance provides a summary of the structure and terms of the program, including information about eligible uses of funds, program administration, and other requirements under the LATCF program. This guidance may be updated, revised, or modified, and Treasury may waive these standards to the extent permitted by law.

The American Rescue Plan appropriated $2 billion to Treasury across fiscal years 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments, and Section 103 of Division LL of the Consolidated Appropriations Act, 2023 made additional funding available from LATCF funds unclaimed by eligible revenue sharing counties after January 31, 2023 or unobligated Treasury administrative funds, across fiscal years 2023 and 2024 for payments to eligible revenue sharing consolidated governments, for use on any governmental purpose except for a lobbying activity. Treasury determined the allocation for eligible revenue sharing consolidated governments to be approximately $10.5 million in total for fiscal years 2023 and 2024. Eligible recipients must submit a request for funding in the Treasury Submission Portal to receive their payments, and further instructions can be found on the Treasury website. There is no pre-approval process for projects funded by the program. Recipients must submit periodic reports to Treasury on their expenditures.

The purpose of the LATCF program is to serve as a general revenue enhancement program. Many eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments have historically experienced fluctuations in their revenues, and this program is designed, in part, to supplement existing federal programs that augment and stabilize revenues for these communities. In providing support to these communities, allocations under this program consider the economic conditions of recipients.

Under this program, recipients have broad discretion on uses of funds, similar to the ways in which they may use funds generated from their own local revenue sources. Specifically, recipients may use these funds on any governmental purpose other than a lobbying activity. Recipients may maintain or expand public services – such as health, educational, housing, and public safety services – to their communities with these funds. Recipients may also invest in infrastructure – from roads and bridges to water infrastructure – to facilitate economic development, improve health outcomes, or transition their communities to clean energy. Recipients may also invest in restoring and bolstering government capacity, such as increasing the size of their government workforce or investing in improvements in service delivery, like technology infrastructure and data analysis resources, that will improve delivery of services to their communities for years to come.

I. PROGRAMMATIC TERMS OF THE ASSISTANCE

This section describes the programmatic terms of the program, including key information on eligible applicants, allocations, eligible and ineligible uses of funds, eligible and ineligible costs, and the availability of funds. Recipients are subject to the terms of the award agreement that they must enter into in order to receive funding.

A. ELIGIBLE APPLICANTS

The LATCF, as added by the American Rescue Plan and amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, identifies eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments as the governments eligible to request payment of their allocation of the program and defines eligibility as follows:

- An *eligible revenue sharing county* is a county, parish, or borough that is independent of any other unit of local government; and that, as determined by the Secretary of the Treasury, is the principal provider of government services for the area within its jurisdiction; and for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program. In addition, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands are eligible revenue sharing counties.

- An *eligible revenue sharing consolidated government* is a county, parish, or borough that has been classified by the Bureau of the Census as an active government consolidated with another government, and for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such a program.

- An *eligible Tribal government* is the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the American Rescue Plan pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 1531).

B. ALLOCATIONS

Section 605(b) provides for a total of $2 billion for Treasury to make payments to eligible revenue sharing counties and eligible Tribal governments over fiscal years 2022 and 2023. The provision directs the Secretary to reserve $750 million to allocate and pay to eligible revenue sharing counties for each of fiscal years 2022 and 2023, taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates, as well as other economic indicators, over the 20-year period ending with September 30, 2021. Separately, the provision directs the Secretary to reserve $250 million to allocate and pay to eligible Tribal governments for each of fiscal years 2022 and 2023, taking into account economic conditions of each eligible Tribe.

Section 605(g), as added by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, makes additional funding available from LATCF funds unclaimed by eligible revenue

sharing counties after January 31, 2023 or unobligated Treasury administrative funds, to make payments to eligible revenue sharing consolidated governments for each of fiscal years 2023 and 2024 reflecting an amount equal to the amount that the Secretary would have allocated to such eligible revenue sharing consolidated governments for fiscal year 2022 if such governments had been treated as eligible revenue sharing counties under the original Section 605, using the allocation methodology adopted by Treasury for such eligible revenue sharing counties in 2022.

Eligible Tribal governments may log in to the Treasury Submission Portal to review their specific allocations under the program. Eligible revenue sharing counties and eligible revenue sharing consolidated governments may review their allocations on the Treasury website.

C. ELIGIBLE AND INELIGIBLE USES OF FUNDS

a) Eligible Uses

Section 605(c) provides flexible support for eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments to meet their jurisdictions' needs. Specifically, the statute directs that recipients may use funds for any governmental purpose other than a lobbying activity.

As a general matter, recipients may treat these funds in a similar manner to how they treat funds generated from their own local revenue. Programs, services, and capital expenditures that are traditionally undertaken by a government are considered to fulfill a "governmental purpose." For Tribal governments, investing in activities undertaken by Tribal enterprises, such as operating or capital expenditures for businesses that are owned or controlled by a Tribal government, are considered a governmental purpose. However, the LATCF funds may not be used for lobbying activities.

A non-exhaustive list of example activities that fulfill a governmental purpose include, but are not limited to:

- Provision of health services, educational services, court services, police, fire, emergency medical, and other public safety services, utilities or sanitation services, and direct assistance to households (including cash assistance);
- Capital expenditures on core facilities and equipment, including in housing and community development (e.g., schools, hospitals, childcare facilities, and parks and recreation facilities), public safety facilities and equipment (e.g., police vehicles), and government administration buildings;
- Infrastructure investments, including roads, bridges, water and sewer systems, utility systems, airports, public transit, and technology infrastructure;
- Long-term economic development activities, including affordable housing development, workforce development and other programs to strengthen local communities undergoing economic transitions;
- General government operations, such as general government administration, personnel costs, administrative facilities, record keeping, tax assessments, or election administration; and
- Meeting another federal program's non-federal match or cost-sharing requirements, unless

barred by statute or other applicable law (as detailed further in this guidance).

Federal Davis-Bacon Act prevailing wage rate requirements do not apply to projects funded solely by the LATCF except for LATCF-funded construction projects undertaken by the District of Columbia.[1] Further, generally, receipt of LATCF funding does not trigger the National Environmental Policy Act (NEPA),[2] although recipients must ensure compliance with all applicable federal environmental laws.

b) Ineligible Uses

Recipients may not use federal funds to directly or indirectly pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation. Amounts that are used in violation of the lobbying restriction set forth in this guidance may be subject to recoupment.

c) Compliance with financial management, procurement, and conflicts of interest standards

Recipients must expend and account for the LATCF funds in accordance with the financial management, procurement, and conflicts of interest standards, laws, policies, and procedures applicable to their expenditure of and accounting for their own funds. Treasury will monitor violations of this requirement through reporting and other sources. Recipients should also review the Buy America domestic content procurement preference requirements, below.

D. ELIGIBLE AND INELIGIBLE COSTS

As a general matter, recipients may use funds to cover costs incurred on any eligible use, including costs incurred from March 15, 2021. Recipients may use funds to cover costs of administering the LATCF program, including costs of consultants to support effective management and oversight as well as compliance with legal, regulatory, and other requirements.

E. TRANSFERS

Recipients may transfer to and pool LATCF funds with other entities for projects, provided that

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[1] Neither the Davis-Bacon Act nor Davis-Bacon Act related provisions requirements apply to projects funded solely with award funds from the LATCF, except for LATCF-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds to enter into contracts over $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be subject to the requirements of the Davis-Bacon Act, when LATCF funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as "baby Davis-Bacon Acts") may apply to projects.

[2] Projects supported with payments from LATCF may still be subject to NEPA review if they are also funded by or otherwise involve actions from other federal programs or agencies.

recipients are able to track use of the funds in line with the reporting and compliance requirements of the LATCF. As an example, neighboring counties may pool funds in order to invest in a regional infrastructure project. Further, recipients may fund a project with both LATCF funds and other sources of funding, provided that the project is an eligible use under each source program and recipients are compliant with all other related statutory and regulatory requirements and policies.

Transfers under this program do not give rise to subrecipient relationships given the purpose of the award. As a result, recipients do not need to comply with subrecipient monitoring or oversight requirements outlined in the Uniform Guidance at 2 C.F.R. § 200.331 through § 200.332. Further, no subrecipient reporting under 2 C.F.R. Part 170 will be required for this program, although recipients meeting the applicable thresholds will still be required to report on executive compensation pursuant to 2 C.F.R. Part 170.

F. NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

As a general principle, federal funds that constitute revenue sharing to state and local governments may generally be used to meet the non-federal match or cost-share requirements of another program.[3]

Given the LATCF's purpose as a general revenue enhancement program and the broad eligible uses of LATCF funds, Treasury has determined that funds available under the LATCF program constitute revenue sharing. Therefore, funds under the program may be used to meet the non-federal cost-share or matching requirements of other federal programs. Pursuant to 2 C.F.R. § 200.306(b), if funds are legally available to meet the match or cost-share requirements of an agency's federal program, such awarding agency is required to accept such funds for the purpose of that program's match or cost-share requirements except in the circumstances enumerated in that section. If a recipient seeks to use LATCF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 C.F.R. § 200.306(b) would limit the use of LATCF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the LATCF funds for the match or cost-share requirement. Additional guidance specific to Medicaid and CHIP is forthcoming.

Recipients using LATCF funds to meet non-federal match or cost-share requirements of another federal program must ensure that the costs are eligible costs under the other federal program and are compliant with the statutory, regulatory, and program requirements of the LATCF and the other federal program.

G. AVAILABILITY OF FUNDS

All funds are available to recipients until expended or returned to Treasury.

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[3] See U.S. Government Accountability Office, *Principles of Federal Appropriations Law, Third Edition, Volume II,* p. 10-99, GAO-06-382SP (February 2006), https://www.gao.gov/assets/gao-06-382sp.pdf

II. OPERATIONAL TERMS OF THE ASSISTANCE

This section provides a summary of operational terms of the program, including payments, reporting, and compliance. Treasury expects to release reporting and compliance guidance for the LATCF program at a later date.

A. PAYMENTS

Recipients may request payment of their allocation through the Treasury Submission Portal by following the instructions on Treasury's website. Eligible applicants will be required to complete payment information and sign an award agreement. Tribal governments will be required to complete a certification regarding economic conditions.

B. REPORTING

All recipients will be responsible for submitting an annual Obligation and Expenditure report to Treasury, which is expected to require data on obligations and expenditures by category of use and certification that funds have not been used to fund lobbying activities.

Information provided through annual reporting will be used to facilitate Treasury's compliance review for uses of funds that do not comply with program requirements, as well as to reduce the risk of waste, fraud, and abuse. Any eligible revenue sharing county or eligible revenue sharing consolidated government that is determined to have failed to submit a report may be required to repay to Treasury an amount up to 5 percent of its total allocation, as authorized by Sections 605(d) and (e).

C. OVERSIGHT

Recipients will be subject to audit or review by the Treasury Inspector General and Government Accountability Office. Recipients are subject to the Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

D. COMPLIANCE

a) General

Treasury may recoup funds from any recipient in cases of misuse of LATCF funds. Separately, in case of a failure to report, Section 605(c) provides specifically that Treasury may also recoup funds from an eligible revenue sharing county or an eligible revenue sharing consolidated government of an amount that the Secretary determines appropriate but that does not exceed 5 percent of the recipient's total allocation.

Any amounts that Treasury has determined to recoup would be subject to generally applicable federal debt collection laws and procedures, including the provisions set forth in Chapter 37 of title 31 of the United States Code and the Federal Claims Collection Standards at 31 C.F.R. Parts 900 through 904.

Treasury expects to work with recipients to support the use of LATCF funds and the timely filing

of annual reports to Treasury. Treasury may, for example, request additional information and work with recipients to remedy the failure to timely file a report before initiating the recoupment process. Treasury may pursue additional remedies for noncompliance with applicable law or program requirements in conjunction with, or as an alternative to, recoupment, including imposing conditions on the receipt of additional LATCF funds by the recipient and/or terminating further payments from the LATCF.

b) Recoupment Process

Treasury will monitor recipients' compliance with legislative and program requirements through evaluation of information submitted by recipients through annual reporting as well as other sources. If Treasury identifies an instance of potential non-compliance, Treasury expects to provide the recipient with a notice of the proposed non-compliance. Treasury expects the notice of proposed non-compliance to set forth a process consistent with the award terms and conditions and applicable law. Recipients that receive a final determination of non-compliance from Treasury will be required to repay any amounts in accordance with the process set forth in the final determination of non-compliance.

Treasury retains the discretion to provide additional guidance on the process set forth above in accordance with and as permitted by Chapter 37 of title 31 of the United States Code and the Federal Claims Collection Standards at 31 C.F.R. Part 900.

E. APPLICATION OF FEDERAL FINANCIAL ASSISTANCE REQUIREMENTS

The LATCF is considered federal financial assistance and recipients are generally subject to laws and regulations applicable to federal financial assistance.

a) Financial Assistance Award Management Requirements

LATCF recipients are subject to the following provisions of 2 C.F.R. Part 200 (the Uniform Guidance):

- 2 C.F.R. Subpart A (Acronyms);
- 2 C.F.R. 200.100-110 (certain General Provisions);
- 2 C.F.R. 200.203 (public notice of Federal financial assistance programs);
- 2 C.F.R. 200.303 (internal controls); and
- Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

Per 2 C.F.R. § 200.101(b), the program is not subject to other Uniform Guidance provisions beyond those detailed above, such as the provisions regarding program income, interest advances, equipment and real property management, procurement requirements, or subrecipient monitoring and reporting requirements. Therefore, capital assets acquired using LATCF funds are not subject to the Uniform Guidance's use and disposition instructions, and program income is income to the recipient government and not subject to program restrictions.

No subrecipient reporting under 2 C.F.R. Part 170 (implementing the Federal Funding Accountability and Transparency Act of 2006) will be required for this program, although

recipients meeting the applicable thresholds will still be required to report on executive compensation pursuant to 2 C.F.R. Part 170. Treasury's regulations at 31 C.F.R. Part 19 (implementing OMB's Guidelines to Agencies on Governmentwide Debarment and Suspension at 2 C.F.R. Part 180) are applicable to the program. Recipients are required to comply with the System for Award Management (SAM) requirements in 2 C.F.R. Part 25.[4]

There are no matching, level of effort, or earmarking compliance responsibilities associated with the LATCF program.

b) Buy America Domestic Content Procurement Preference

The Build America, Buy America Act establishes domestic content procurement preference requirements for federal financial assistance programs for infrastructure.[5] These requirements apply to the LATCF. As such, expenditures for iron, steel, manufactured products, and construction materials used in an infrastructure project funded using a LATCF award generally must be produced in the United States. These requirements do not apply to non-infrastructure projects or to infrastructure projects undertaken in response to the COVID-19 public health emergency.

Recipients should review the details of these domestic content procurement requirements as provided in the terms and conditions of the LATCF award, which follow the guidance provided by the Office of Management and Budget (OMB).[6] The definition of infrastructure as provided by the Build America, Buy America Act and OMB guidance is broad and includes the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. An infrastructure project includes the construction, alteration, maintenance, or repair of infrastructure.

Treasury has issued a six-month public interest adjustment period general applicability waiver from the Buy America Domestic Content Procurement Preference (BAP) as applied to federal financial assistance provided to non-Tribal government recipients of LATCF. Under this waiver, the application of BAP requirements does not apply to LATCF award agreements entered into by these recipients during the waiver period, effective from September 27, 2022 to March 26, 2023.

Treasury has also issued a one-year general applicability waiver from the BAP requirements as applied to Tribal government recipients of LATCF. This one-year Tribal consultations waiver applies to all award agreements entered into with Tribal governments during the one-year period

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[4] 2 C.F.R. Part 25, Subpart C, is inapplicable to this program as transfers under this program do not give rise to subrecipient relationships.

[5] *See* section 70914(a) of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA). The Buy America, Build America Act was included as sections 70901-27 of the IIJA.

[6] OMB's guidance is provided in OMB Memorandum M-22-11, "Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure" (April 18, 2022), *available at* https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf.

beginning on the effective date of the waiver, January 17, 2023. In addition, in the case of award agreements entered into with Tribal governments prior to the date of the final waiver, January 17, 2023, the waiver applies to all expenditures incurred after the date of the final waiver on an infrastructure project if there is no other federal assistance used for such project that is subject to BAP. Tribal governments that have received an award prior to the date that the Tribal Consultation waiver from the BAP became effective and expended the funds on infrastructure projects may still be subject to the requirements of the Buy America, Build America Act. Treasury has provided more details on its website.

In addition, the Buy America, Build America Act requirements do not apply to expenditures using LATCF funds for infrastructure projects undertaken in response to the COVID-19 public health emergency or in response to or anticipation of other major disasters or emergencies declared by the President under the Stafford Act.[7] Treasury recognizes that the public health emergency is impacting recipients in different ways and that recipients are impacted by a broad range of other types of major disasters and emergencies declared under the Stafford Act. Accordingly, recipients should make their own determinations as to what infrastructure projects they need to undertake to respond to the COVID-19 public health emergency or other Stafford Act disaster or emergency.

F. COMPLIANCE WITH OTHER APPLICABLE LAWS

Recipients are responsible for complying with all other applicable laws in the course of using the funds from their award, including all applicable environmental laws and all laws applicable to federal financial assistance (unless stated otherwise in this guidance or the award agreement). Applicable laws include but are not limited to those listed in the award agreement.

Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 8, 1997) re: Increasing Seat Belt Use, Treasury encourages recipients to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles. Recipients should also encourage their contractors to adopt and enforce such policies.

Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 1, 2009), re: Reducing Text Messaging While Driving, Treasury encourages recipients to encourage their employees and contractors to adopt and enforce policies that ban text messaging while driving, and recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

[7] More specifically, as provided in OMB's guidance, the requirements of the Buy America, Build America Act do not apply to expenditures made in anticipation of or in response to an event or events that qualify as an "emergency" or "major disaster" within the meaning of the Stafford Act, 42 U.S.C. § 5122(1), (2). *See* OMB Memorandum M-22-11 at 3-4.

III. CONTACT INFORMATION

E-mail correspondence is preferred. Correspondence by mail may be subject to significant delays.

LATCF@treasury.gov

U.S. Department of the Treasury
Attn: **Local Assistance and Tribal Consistency Fund**
1500 Pennsylvania Ave NW
Washington, DC 20220

treasury.gov/LATCF

IV. UPDATE LOG

Date	Action
July 2022	Treasury issues Guidance
February 2023	Treasury updates Guidance to reflect amendment to LATCF by Section 103 of Division LL of the Consolidated Appropriations Act, 2023 and to reflect Buy America Domestic Content Procurement Preference waivers issued by Treasury.
September 2023	Treasury updates name of LATCF annual report to match the LATCF Reporting Guidance

DANIEL P. MCCOY
COUNTY EXECUTIVE

M. DAVID REILLY, JR
COMMISSIONER

PATRICK ALDERSON
DEPUTY COMMISSIONER

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, SUITE 1200
ALBANY, NEW YORK 12207
OFFICE: (518) 447-5525
FAX: (518) 447-5589
www.albanycounty.com

November 15, 2023

Honorable Andrew Joyce
Chairman, Albany County Legislature
112 State St, Suite 710
Albany, NY 12207

Chairman Joyce:

The Department of Management & Budget is requesting Legislative authorization to make several administrative adjustments to various 2023 departmental budgets, as shown on the attached amendment. These transfers are being requested to correct accounts that either are currently negative or are forecasted to go negative by year end. The net amount of transfers requested is $1,387,035, but overall the amendment is cost neutral. Additionally, the Department is requesting to accept $100,000 in grant funding through the Local Assistance and Tribal Consistency Fund program and an additional $300,000 in grant funding from New York State to support the Law Enforcement Assisted Diversion initiative.

I look forward to discussing this request at the next round of Legislative Committee meetings. If you have any questions beforehand, please don't hesitate to reach out.

Respectfully submitted,

M. David Reilly, Jr

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Majority Counsel
Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4859, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Request for Legislative Authorization for Administrative Adjustments to 2023 Budget and Acceptance of Local Assistance and Tribal Consistency Fund and NYS Legislative Initiative Funding grants

Date:	11/15/23
Submitted By:	David Reilly
Department:	Management and Budget
Title:	Commissioner
Phone:	518-447-5525
Department Rep. Attending Meeting:	David Reilly

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☒ Contractual
☐ Equipment
☒ Fringe
☒ Personnel
☒ Personnel Non-Individual

☒ Revenue

Increase Account/Line No.: See attached.
Source of Funds: See attached.
Title Change: N/A

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant
New
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
US Department of the Treasury (Local Assistance and Tribal Consistency Fund (LATCF))

Additional Parties (Names/addresses):
New York State (Legislative Initiative Funding)

Amount/Raise Schedule/Fee: $100,000 (LATCF); $300,000 (NYS Legislative Initiative Funding)
Scope of Services: LATCF - Under this program, recipients have broad discretion on uses of funds, similar to how they may use funds generated from their own revenue sources; NYS Legislative Initiative Funding - Funds used to support development of LEAD in Albany County

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

Revenue Account and Line:	See attached.
Revenue Amount:	$1,387,035
Appropriation Account and Line:	See attached.
Appropriation Amount:	$1,387,035

Source of Funding - (Percentages)

Federal:	7.2%
State:	21.6%
County:	71.2%
Local:	Click or tap here to enter text.

Original Awarding Agency / Funder:
US Department of Treasury
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term

Term: (Start and end date)	No end date to use funds.
Length of Contract:	Click or tap here to enter text.

Impact on Pending Litigation	Yes ☐ No ☐
If yes, explain:	Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number:	Click or tap here to enter text.
Date of Adoption:	Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

The Department of Management & Budget is requesting Legislative authorization to make several administrative adjustments to various 2023 departmental budgets, as shown on the attached amendment. These transfers are being requested to correct accounts that either are currently negative or are forecasted to go negative by year end. The net amount of transfers requested is $1,387,035, but overall the amendment is cost neutral. Additionally, the Department is requesting to accept $100,000 in grant funding through the Local Assistance and Tribal Consistency Fund program and an additional $300,000 in grant funding from New York State to support the Law Enforcement Assisted Diversion initiative. These grants have no end date for the use of funds.

BUDGET LINE						DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY						
				STATE POS. CODE	POSITION CONTROL					
A	A91620	44037	10000			Insurance	$12,254.00		$183,536.05	General Services
A	A91164	44037	10000			Insurance	$11,228.00		$65,085.88	General Services
A	A94610	44037	10000			Insurance		$4.00	$2,549.00	Crime Victim & Sexual Violence
A	A91185	44037	10000			Insurance		$31.00	$1,104.00	Coroner
A	A91165	44037	10000			Insurance		$67.00	$24,651.00	District Attorney
A	A91432	44037	10000			Insurance		$88.00	$3,627.00	Human Resources
A	A91345	44037	10000			Insurance		$132.00	$4,334.00	General Services
A	A91411	44037	10000			Insurance		$167.00	$9,111.00	Hall of Records
A	A91170	44037	10000			Insurance		$237.00	$10,822.00	Public Defender
A	A91430	44037	10000			Insurance		$273.00	$3,609.00	Civil Service
A	A91420	44037	10000			Insurance		$284.00	$4,860.00	Law
A	A91355	44037	10000			Insurance		$404.00	$22,304.00	Management & Budget
A	A98020	44037	10000			Insurance		$405.00	$4,617.00	Economic Dev. Conservation and
A	A91171	44037	10000			Insurance		$406.00	$7,477.00	Alternate Public Defender
A	A91410	44037	10000			Insurance		$431.00	$17,385.00	County Clerk
A	A91010	44037	10000			Insurance		$614.00	$11,591.00	Leglislature
A	A97310	44037	10000			Insurance		$642.00	$6,489.00	Children, Youth & Families
A	A91450	44037	10000			Insurance		$653.00	$9,037.00	Board of Elections
A	A96510	44037	10000			Insurance		$676.00	$6,235.00	Veterans
A	A96610	44037	10000			Insurance		$682.00	$6,335.00	General Services
A	A91230	44037	10000			Insurance		$800.00	$8,114.00	County Executive
A	A91340	44037	10000			Insurance		$817.00	$7,885.00	Management & Budget
A	A91315	44037	10000			Insurance		$1,185.00	$13,297.00	Audit and Control
A	A91310	44037	10000			Insurance		$1,615.00	$18,177.00	Management & Budget
A	A96772	44037	10000			Insurance		$1,698.00	$16,493.00	Aging
A	A94059	44037	10000			Insurance		$4,055.00	$37,917.00	Children, Youth & Families
A	A91172	44037	10000			Insurance		$5,000.00	$0.00	Assigned Counsel
A	A96010	44037	10000			Insurance		$12,966.00	$250,333.00	Social Services
D	D95110	44037	10000			Insurance	$18,568.00		$115,485.00	Public Works
D	D95110	44080	10000			Road Machinery Fund Payment		$18,568.00	$1,765,364.00	Public Works
A	A96010	19954	10000			Enhanced Pay	$41,000.00		$496,000.00	Social Services
A	A96010	12728	10000	001	460690	APPLICATIONS DEVELOPER		$41,000.00	$37,167.00	Social Services
A	A91185	44252	10000			Medical Services Therapy	$125,000.00		$425,000.00	Coroner
A	A91185	44048	10000			Laboratory Fees and Services	$150,000.00		$550,000.00	Coroner
A	A91185	44046	10000			Fees for Services	$25,000.00		$135,000.00	Coroner
A	1310	12914	10000	001	180084	Title Searcher	$10,200.00		$51,000.00	Finance
A	1310	16092	10000	001	180083	Abstractor	$1,120.00		$0.00	Finance
A	1310	44014				Bag Reduction Fee Expense	$108,267.00		$108,267.00	Finance
A	1310	44046				Fees for Services		$108,267.00	$527,633.00	Finance
A	1310	44117				TaxOnAdultUseCannabisDistMuni	$30,535.00		$30,535.00	Finance
A	1310	44116				TaxOnAdultUseCannabisCounty	$10,178.00		$10,178.00	Finance
A	1310	44046				Fees for Services		$40,713.00	$486,920.00	Finance
A	1310	44046	LATCF			Fees for Services	$100,000.00		$100,000.00	Finance
A	4322	44092	LIF23			LEAD Funding	$300,000.00		$300,000.00	Mental Health
A	1172	16199				Data Officer	$5,960.00		$0.00	Assigned Counsel
A	1680	19954				Enhanced Pay	$3,000.00		$81,000.00	Information Services
A	8021	19954				Enhanced Pay	$3,000.00		$6,000.00	Stormwater Coalition
A	1420	19954				Enhanced Pay	$6,000.00		$108,000.00	Law
A	1164	44046				Fees for Service	$9,250.00			DGS
A	1164	44024				Housekeeping		$2,845.00		DGS
A	1164	44070				Equipment Repair	$9,140.00			DGS
A	1164	44071				Property Repair	$9,775.00			DGS
A	1164	44998				Other Contractual Services	$9,450.00			DGS
A	1345	44042				Print & Advertising	$2,135.00			DGS
A	1610	44046				Fees for Service	$9,858.00			DGS
A	1610	44071				Property Repair	$9,791.00			DGS
A	1610	44725				Civic Ctr Park Garage	$9,022.00			DGS
A	1610	44914				Plaza Walkway Maintenance		$5,000.00		DGS
A	1620	19983				Boot Allowance		$4,000.00		DGS
A	1620	44022				Maint Supplies		$5,250.00		DGS
A	1620	44025				Electrical Supplies		$6,125.00		DGS
A	1620	44038				Travel & Mileage		$2,750.00		DGS
A	1620	44042				Print & Advertising	$9.00			DGS
A	1620	44046				Fees for Service	$9,955.00			DGS
A	1620	44050				Refuse Charge		$11,500.00		DGS
A	1620	44065				Photocopier Lease		$1,200.00		DGS
A	1620	44070				Equipment Repair	$9,850.00			DGS

A	1620	44071			Property Repair	$9,900.00		DGS
A	1620	44201			Uniforms		$5,895.00	DGS
A	1620	44301			Taxes		$22,750.00	DGS
A	1620	44999			Misc Contractual Exp	$9,925.00		DGS
A	1640	44046			Fee for Service		$10,000.00	DGS
A	1660	44070			Equipment Repair		$6,250.00	DGS
A	1670	44070			Equipment Repair		$17,750.00	DGS
A	6610	44072			Auto Maintenanc	$1,250.00		DGS
A	6610	44999			Misc Contractual Exp	$1,995.00		DGS
A	8754	44301			Flood & Erosion		$9,990.00	DGS
A	6989	44901			Payments to Debt Service	$152,106.00		$2,302,106.00 Management & Budget
A	6989	44920			Convention Center Planning Ctr	$228,159.00		$3,453,159.00 Management & Budget
A	6989	44999			Misc Contractual Expense	$76,053.00		$115,053.00 Management & Budget
A	1985	44000			Distribution to Municipalities	$212,287.00		$130,632,287.00 Management & Budget
					TOTAL APPROPRIATIONS	$1,741,220.00	$354,185.00	

ESTIMATED REVENUES

BUDGET LINE					DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY					
				STATE POS. CODE / POSITION CONTROL					
A	1310	04790	LATCF		Local Assistance & Tribal Consistency Fund		$100,000.00	$100,000.00	Finance
A	4322	03398	LIF23		LEAD Funding NYS		300,000.00	300,000.00	Mental Health
A	6989	01113			Hotel Occupancy Tax		456,318.00	6,906,318.00	Management & Budget
A	1985	01110			Sales Tax		530,717.00	326,580,717.00	Management & Budget
					TOTAL REVENUES	$0.00	$1,387,035.00		
					GRAND TOTAL	$1,741,220.00	$1,741,220.00		

GUIDANCE FOR THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

U.S. Department of the Treasury
Updated September 2023

INTRODUCTION

The U.S. Department of the Treasury (Treasury) is updating this guidance issued in July 2022 regarding the Local Assistance and Tribal Consistency Fund (LATCF), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (American Rescue Plan) and as amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023. This guidance provides a summary of the structure and terms of the program, including information about eligible uses of funds, program administration, and other requirements under the LATCF program. This guidance may be updated, revised, or modified, and Treasury may waive these standards to the extent permitted by law.

The American Rescue Plan appropriated $2 billion to Treasury across fiscal years 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments, and Section 103 of Division LL of the Consolidated Appropriations Act, 2023 made additional funding available from LATCF funds unclaimed by eligible revenue sharing counties after January 31, 2023 or unobligated Treasury administrative funds, across fiscal years 2023 and 2024 for payments to eligible revenue sharing consolidated governments, for use on any governmental purpose except for a lobbying activity. Treasury determined the allocation for eligible revenue sharing consolidated governments to be approximately $10.5 million in total for fiscal years 2023 and 2024. Eligible recipients must submit a request for funding in the Treasury Submission Portal to receive their payments, and further instructions can be found on the Treasury website. There is no pre-approval process for projects funded by the program. Recipients must submit periodic reports to Treasury on their expenditures.

The purpose of the LATCF program is to serve as a general revenue enhancement program. Many eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments have historically experienced fluctuations in their revenues, and this program is designed, in part, to supplement existing federal programs that augment and stabilize revenues for these communities. In providing support to these communities, allocations under this program consider the economic conditions of recipients.

Under this program, recipients have broad discretion on uses of funds, similar to the ways in which they may use funds generated from their own local revenue sources. Specifically, recipients may use these funds on any governmental purpose other than a lobbying activity. Recipients may maintain or expand public services – such as health, educational, housing, and public safety services – to their communities with these funds. Recipients may also invest in infrastructure – from roads and bridges to water infrastructure – to facilitate economic development, improve health outcomes, or transition their communities to clean energy. Recipients may also invest in restoring and bolstering government capacity, such as increasing the size of their government workforce or investing in improvements in service delivery, like technology infrastructure and data analysis resources, that will improve delivery of services to their communities for years to come.

I. PROGRAMMATIC TERMS OF THE ASSISTANCE

This section describes the programmatic terms of the program, including key information on eligible applicants, allocations, eligible and ineligible uses of funds, eligible and ineligible costs, and the availability of funds. Recipients are subject to the terms of the award agreement that they must enter into in order to receive funding.

A. ELIGIBLE APPLICANTS

The LATCF, as added by the American Rescue Plan and amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, identifies eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments as the governments eligible to request payment of their allocation of the program and defines eligibility as follows:

- An *eligible revenue sharing county* is a county, parish, or borough that is independent of any other unit of local government; and that, as determined by the Secretary of the Treasury, is the principal provider of government services for the area within its jurisdiction; and for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program. In addition, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands are eligible revenue sharing counties.

- An *eligible revenue sharing consolidated government* is a county, parish, or borough that has been classified by the Bureau of the Census as an active government consolidated with another government, and for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such a program.

- An *eligible Tribal government* is the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the American Rescue Plan pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 1531).

B. ALLOCATIONS

Section 605(b) provides for a total of $2 billion for Treasury to make payments to eligible revenue sharing counties and eligible Tribal governments over fiscal years 2022 and 2023. The provision directs the Secretary to reserve $750 million to allocate and pay to eligible revenue sharing counties for each of fiscal years 2022 and 2023, taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates, as well as other economic indicators, over the 20-year period ending with September 30, 2021. Separately, the provision directs the Secretary to reserve $250 million to allocate and pay to eligible Tribal governments for each of fiscal years 2022 and 2023, taking into account economic conditions of each eligible Tribe.

Section 605(g), as added by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, makes additional funding available from LATCF funds unclaimed by eligible revenue

sharing counties after January 31, 2023 or unobligated Treasury administrative funds, to make payments to eligible revenue sharing consolidated governments for each of fiscal years 2023 and 2024 reflecting an amount equal to the amount that the Secretary would have allocated to such eligible revenue sharing consolidated governments for fiscal year 2022 if such governments had been treated as eligible revenue sharing counties under the original Section 605, using the allocation methodology adopted by Treasury for such eligible revenue sharing counties in 2022.

Eligible Tribal governments may log in to the Treasury Submission Portal to review their specific allocations under the program. Eligible revenue sharing counties and eligible revenue sharing consolidated governments may review their allocations on the Treasury website.

C. ELIGIBLE AND INELIGIBLE USES OF FUNDS

a) Eligible Uses

Section 605(c) provides flexible support for eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments to meet their jurisdictions' needs. Specifically, the statute directs that recipients may use funds for any governmental purpose other than a lobbying activity.

As a general matter, recipients may treat these funds in a similar manner to how they treat funds generated from their own local revenue. Programs, services, and capital expenditures that are traditionally undertaken by a government are considered to fulfill a "governmental purpose." For Tribal governments, investing in activities undertaken by Tribal enterprises, such as operating or capital expenditures for businesses that are owned or controlled by a Tribal government, are considered a governmental purpose. However, the LATCF funds may not be used for lobbying activities.

A non-exhaustive list of example activities that fulfill a governmental purpose include, but are not limited to:

- Provision of health services, educational services, court services, police, fire, emergency medical, and other public safety services, utilities or sanitation services, and direct assistance to households (including cash assistance);
- Capital expenditures on core facilities and equipment, including in housing and community development (e.g., schools, hospitals, childcare facilities, and parks and recreation facilities), public safety facilities and equipment (e.g., police vehicles), and government administration buildings;
- Infrastructure investments, including roads, bridges, water and sewer systems, utility systems, airports, public transit, and technology infrastructure;
- Long-term economic development activities, including affordable housing development, workforce development and other programs to strengthen local communities undergoing economic transitions;
- General government operations, such as general government administration, personnel costs, administrative facilities, record keeping, tax assessments, or election administration; and
- Meeting another federal program's non-federal match or cost-sharing requirements, unless

barred by statute or other applicable law (as detailed further in this guidance).

Federal Davis-Bacon Act prevailing wage rate requirements do not apply to projects funded solely by the LATCF except for LATCF-funded construction projects undertaken by the District of Columbia.[1] Further, generally, receipt of LATCF funding does not trigger the National Environmental Policy Act (NEPA),[2] although recipients must ensure compliance with all applicable federal environmental laws.

b) Ineligible Uses

Recipients may not use federal funds to directly or indirectly pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation. Amounts that are used in violation of the lobbying restriction set forth in this guidance may be subject to recoupment.

c) Compliance with financial management, procurement, and conflicts of interest standards

Recipients must expend and account for the LATCF funds in accordance with the financial management, procurement, and conflicts of interest standards, laws, policies, and procedures applicable to their expenditure of and accounting for their own funds. Treasury will monitor violations of this requirement through reporting and other sources. Recipients should also review the Buy America domestic content procurement preference requirements, below.

D. ELIGIBLE AND INELIGIBLE COSTS

As a general matter, recipients may use funds to cover costs incurred on any eligible use, including costs incurred from March 15, 2021. Recipients may use funds to cover costs of administering the LATCF program, including costs of consultants to support effective management and oversight as well as compliance with legal, regulatory, and other requirements.

E. TRANSFERS

Recipients may transfer to and pool LATCF funds with other entities for projects, provided that

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[1] Neither the Davis-Bacon Act nor Davis-Bacon Act related provisions requirements apply to projects funded solely with award funds from the LATCF, except for LATCF-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds to enter into contracts over $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be subject to the requirements of the Davis-Bacon Act, when LATCF funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as "baby Davis-Bacon Acts") may apply to projects.

[2] Projects supported with payments from LATCF may still be subject to NEPA review if they are also funded by or otherwise involve actions from other federal programs or agencies.

recipients are able to track use of the funds in line with the reporting and compliance requirements of the LATCF. As an example, neighboring counties may pool funds in order to invest in a regional infrastructure project. Further, recipients may fund a project with both LATCF funds and other sources of funding, provided that the project is an eligible use under each source program and recipients are compliant with all other related statutory and regulatory requirements and policies.

Transfers under this program do not give rise to subrecipient relationships given the purpose of the award. As a result, recipients do not need to comply with subrecipient monitoring or oversight requirements outlined in the Uniform Guidance at 2 C.F.R. § 200.331 through § 200.332. Further, no subrecipient reporting under 2 C.F.R. Part 170 will be required for this program, although recipients meeting the applicable thresholds will still be required to report on executive compensation pursuant to 2 C.F.R. Part 170.

F. NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

As a general principle, federal funds that constitute revenue sharing to state and local governments may generally be used to meet the non-federal match or cost-share requirements of another program.[3]

Given the LATCF's purpose as a general revenue enhancement program and the broad eligible uses of LATCF funds, Treasury has determined that funds available under the LATCF program constitute revenue sharing. Therefore, funds under the program may be used to meet the non-federal cost-share or matching requirements of other federal programs. Pursuant to 2 C.F.R. § 200.306(b), if funds are legally available to meet the match or cost-share requirements of an agency's federal program, such awarding agency is required to accept such funds for the purpose of that program's match or cost-share requirements except in the circumstances enumerated in that section. If a recipient seeks to use LATCF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 C.F.R. § 200.306(b) would limit the use of LATCF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the LATCF funds for the match or cost-share requirement. Additional guidance specific to Medicaid and CHIP is forthcoming.

Recipients using LATCF funds to meet non-federal match or cost-share requirements of another federal program must ensure that the costs are eligible costs under the other federal program and are compliant with the statutory, regulatory, and program requirements of the LATCF and the other federal program.

G. AVAILABILITY OF FUNDS

All funds are available to recipients until expended or returned to Treasury.

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[3] See U.S. Government Accountability Office, *Principles of Federal Appropriations Law, Third Edition, Volume II,* p. 10-99, GAO-06-382SP (February 2006), https://www.gao.gov/assets/gao-06-382sp.pdf

II. OPERATIONAL TERMS OF THE ASSISTANCE

This section provides a summary of operational terms of the program, including payments, reporting, and compliance. Treasury expects to release reporting and compliance guidance for the LATCF program at a later date.

A. PAYMENTS

Recipients may request payment of their allocation through the Treasury Submission Portal by following the instructions on Treasury's website. Eligible applicants will be required to complete payment information and sign an award agreement. Tribal governments will be required to complete a certification regarding economic conditions.

B. REPORTING

All recipients will be responsible for submitting an annual Obligation and Expenditure report to Treasury, which is expected to require data on obligations and expenditures by category of use and certification that funds have not been used to fund lobbying activities.

Information provided through annual reporting will be used to facilitate Treasury's compliance review for uses of funds that do not comply with program requirements, as well as to reduce the risk of waste, fraud, and abuse. Any eligible revenue sharing county or eligible revenue sharing consolidated government that is determined to have failed to submit a report may be required to repay to Treasury an amount up to 5 percent of its total allocation, as authorized by Sections 605(d) and (e).

C. OVERSIGHT

Recipients will be subject to audit or review by the Treasury Inspector General and Government Accountability Office. Recipients are subject to the Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

D. COMPLIANCE

a) General

Treasury may recoup funds from any recipient in cases of misuse of LATCF funds. Separately, in case of a failure to report, Section 605(c) provides specifically that Treasury may also recoup funds from an eligible revenue sharing county or an eligible revenue sharing consolidated government of an amount that the Secretary determines appropriate but that does not exceed 5 percent of the recipient's total allocation.

Any amounts that Treasury has determined to recoup would be subject to generally applicable federal debt collection laws and procedures, including the provisions set forth in Chapter 37 of title 31 of the United States Code and the Federal Claims Collection Standards at 31 C.F.R. Parts 900 through 904.

Treasury expects to work with recipients to support the use of LATCF funds and the timely filing

of annual reports to Treasury. Treasury may, for example, request additional information and work with recipients to remedy the failure to timely file a report before initiating the recoupment process. Treasury may pursue additional remedies for noncompliance with applicable law or program requirements in conjunction with, or as an alternative to, recoupment, including imposing conditions on the receipt of additional LATCF funds by the recipient and/or terminating further payments from the LATCF.

b) Recoupment Process

Treasury will monitor recipients' compliance with legislative and program requirements through evaluation of information submitted by recipients through annual reporting as well as other sources. If Treasury identifies an instance of potential non-compliance, Treasury expects to provide the recipient with a notice of the proposed non-compliance. Treasury expects the notice of proposed non-compliance to set forth a process consistent with the award terms and conditions and applicable law. Recipients that receive a final determination of non-compliance from Treasury will be required to repay any amounts in accordance with the process set forth in the final determination of non-compliance.

Treasury retains the discretion to provide additional guidance on the process set forth above in accordance with and as permitted by Chapter 37 of title 31 of the United States Code and the Federal Claims Collection Standards at 31 C.F.R. Part 900.

E. APPLICATION OF FEDERAL FINANCIAL ASSISTANCE REQUIREMENTS

The LATCF is considered federal financial assistance and recipients are generally subject to laws and regulations applicable to federal financial assistance.

a) Financial Assistance Award Management Requirements

LATCF recipients are subject to the following provisions of 2 C.F.R. Part 200 (the Uniform Guidance):

- 2 C.F.R. Subpart A (Acronyms);
- 2 C.F.R. 200.100-110 (certain General Provisions);
- 2 C.F.R. 200.203 (public notice of Federal financial assistance programs);
- 2 C.F.R. 200.303 (internal controls); and
- Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

Per 2 C.F.R. § 200.101(b), the program is not subject to other Uniform Guidance provisions beyond those detailed above, such as the provisions regarding program income, interest advances, equipment and real property management, procurement requirements, or subrecipient monitoring and reporting requirements. Therefore, capital assets acquired using LATCF funds are not subject to the Uniform Guidance's use and disposition instructions, and program income is income to the recipient government and not subject to program restrictions.

No subrecipient reporting under 2 C.F.R. Part 170 (implementing the Federal Funding Accountability and Transparency Act of 2006) will be required for this program, although

recipients meeting the applicable thresholds will still be required to report on executive compensation pursuant to 2 C.F.R. Part 170. Treasury's regulations at 31 C.F.R. Part 19 (implementing OMB's Guidelines to Agencies on Governmentwide Debarment and Suspension at 2 C.F.R. Part 180) are applicable to the program. Recipients are required to comply with the System for Award Management (SAM) requirements in 2 C.F.R. Part 25.[4]

There are no matching, level of effort, or earmarking compliance responsibilities associated with the LATCF program.

b) Buy America Domestic Content Procurement Preference

The Build America, Buy America Act establishes domestic content procurement preference requirements for federal financial assistance programs for infrastructure.[5] These requirements apply to the LATCF. As such, expenditures for iron, steel, manufactured products, and construction materials used in an infrastructure project funded using a LATCF award generally must be produced in the United States. These requirements do not apply to non-infrastructure projects or to infrastructure projects undertaken in response to the COVID-19 public health emergency.

Recipients should review the details of these domestic content procurement requirements as provided in the terms and conditions of the LATCF award, which follow the guidance provided by the Office of Management and Budget (OMB).[6] The definition of infrastructure as provided by the Build America, Buy America Act and OMB guidance is broad and includes the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. An infrastructure project includes the construction, alteration, maintenance, or repair of infrastructure.

Treasury has issued a six-month public interest adjustment period general applicability waiver from the Buy America Domestic Content Procurement Preference (BAP) as applied to federal financial assistance provided to non-Tribal government recipients of LATCF. Under this waiver, the application of BAP requirements does not apply to LATCF award agreements entered into by these recipients during the waiver period, effective from September 27, 2022 to March 26, 2023.

Treasury has also issued a one-year general applicability waiver from the BAP requirements as applied to Tribal government recipients of LATCF. This one-year Tribal consultations waiver applies to all award agreements entered into with Tribal governments during the one-year period

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[4] 2 C.F.R. Part 25, Subpart C, is inapplicable to this program as transfers under this program do not give rise to subrecipient relationships.

[5] *See* section 70914(a) of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA). The Buy America, Build America Act was included as sections 70901-27 of the IIJA.

[6] OMB's guidance is provided in OMB Memorandum M-22-11, "Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure" (April 18, 2022), *available at* https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf.

beginning on the effective date of the waiver, January 17, 2023. In addition, in the case of award agreements entered into with Tribal governments prior to the date of the final waiver, January 17, 2023, the waiver applies to all expenditures incurred after the date of the final waiver on an infrastructure project if there is no other federal assistance used for such project that is subject to BAP. Tribal governments that have received an award prior to the date that the Tribal Consultation waiver from the BAP became effective and expended the funds on infrastructure projects may still be subject to the requirements of the Buy America, Build America Act. Treasury has provided more details on its website.

In addition, the Buy America, Build America Act requirements do not apply to expenditures using LATCF funds for infrastructure projects undertaken in response to the COVID-19 public health emergency or in response to or anticipation of other major disasters or emergencies declared by the President under the Stafford Act.[7] Treasury recognizes that the public health emergency is impacting recipients in different ways and that recipients are impacted by a broad range of other types of major disasters and emergencies declared under the Stafford Act. Accordingly, recipients should make their own determinations as to what infrastructure projects they need to undertake to respond to the COVID-19 public health emergency or other Stafford Act disaster or emergency.

F. COMPLIANCE WITH OTHER APPLICABLE LAWS

Recipients are responsible for complying with all other applicable laws in the course of using the funds from their award, including all applicable environmental laws and all laws applicable to federal financial assistance (unless stated otherwise in this guidance or the award agreement). Applicable laws include but are not limited to those listed in the award agreement.

Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 8, 1997) re: Increasing Seat Belt Use, Treasury encourages recipients to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles. Recipients should also encourage their contractors to adopt and enforce such policies.

Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 1, 2009), re: Reducing Text Messaging While Driving, Treasury encourages recipients to encourage their employees and contractors to adopt and enforce policies that ban text messaging while driving, and recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

[7] More specifically, as provided in OMB's guidance, the requirements of the Buy America, Build America Act do not apply to expenditures made in anticipation of or in response to an event or events that qualify as an "emergency" or "major disaster" within the meaning of the Stafford Act, 42 U.S.C. § 5122(1), (2). *See* OMB Memorandum M-22-11 at 3-4.

III. CONTACT INFORMATION

E-mail correspondence is preferred. Correspondence by mail may be subject to significant delays.

LATCF@treasury.gov

U.S. Department of the Treasury
Attn: **Local Assistance and Tribal Consistency Fund**
1500 Pennsylvania Ave NW
Washington, DC 20220

treasury.gov/LATCF

IV. UPDATE LOG

Date	Action
July 2022	Treasury issues Guidance
February 2023	Treasury updates Guidance to reflect amendment to LATCF by Section 103 of Division LL of the Consolidated Appropriations Act, 2023 and to reflect Buy America Domestic Content Procurement Preference waivers issued by Treasury.
September 2023	Treasury updates name of LATCF annual report to match the LATCF Reporting Guidance

DANIEL P. MCCOY
COUNTY EXECUTIVE

M. DAVID REILLY, JR
COMMISSIONER

PATRICK ALDERSON
DEPUTY COMMISSIONER

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, SUITE 1200
ALBANY, NEW YORK 12207
OFFICE: (518) 447-5525
FAX: (518) 447-5589
www.albanycounty.com

November 15, 2023

Honorable Andrew Joyce
Chairman, Albany County Legislature
112 State St, Suite 710
Albany, NY 12207

Chairman Joyce:

The Department of Management & Budget is requesting Legislative authorization to make several administrative adjustments to various 2023 departmental budgets, as shown on the attached amendment. These transfers are being requested to correct accounts that either are currently negative or are forecasted to go negative by year end. The net amount of transfers requested is $1,387,035, but overall the amendment is cost neutral. Additionally, the Department is requesting to accept $100,000 in grant funding through the Local Assistance and Tribal Consistency Fund program and an additional $300,000 in grant funding from New York State to support the Law Enforcement Assisted Diversion initiative.

I look forward to discussing this request at the next round of Legislative Committee meetings. If you have any questions beforehand, please don't hesitate to reach out.

Respectfully submitted,

M. David Reilly, Jr

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Majority Counsel
Minority Counsel

County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-4859, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Request for Legislative Authorization for Administrative Adjustments to 2023 Budget and Acceptance of Local Assistance and Tribal Consistency Fund and NYS Legislative Initiative Funding grants

Date:	11/15/23
Submitted By:	David Reilly
Department:	Management and Budget
Title:	Commissioner
Phone:	518-447-5525
Department Rep. Attending Meeting:	David Reilly

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☒ Contractual
☐ Equipment
☒ Fringe
☒ Personnel
☒ Personnel Non-Individual

☒ Revenue

Increase Account/Line No.: See attached.
Source of Funds: See attached.
Title Change: N/A

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant
New
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
US Department of the Treasury (Local Assistance and Tribal Consistency Fund (LATCF))

Additional Parties (Names/addresses):
New York State (Legislative Initiative Funding)

Amount/Raise Schedule/Fee: $100,000 (LATCF); $300,000 (NYS Legislative Initiative Funding)
Scope of Services: LATCF - Under this program, recipients have broad discretion on uses of funds, similar to how they may use funds generated from their own revenue sources; NYS Legislative Initiative Funding - Funds used to support development of LEAD in Albany County

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

Revenue Account and Line:	See attached.
Revenue Amount:	$1,387,035
Appropriation Account and Line:	See attached.
Appropriation Amount:	$1,387,035

Source of Funding - (Percentages)

Federal:	7.2%
State:	21.6%
County:	71.2%
Local:	Click or tap here to enter text.

Original Awarding Agency / Funder:
US Department of Treasury
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term

Term: (Start and end date)	No end date to use funds.
Length of Contract:	Click or tap here to enter text.

Impact on Pending Litigation	Yes ☐ No ☐
If yes, explain:	Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number:	Click or tap here to enter text.
Date of Adoption:	Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

The Department of Management & Budget is requesting Legislative authorization to make several administrative adjustments to various 2023 departmental budgets, as shown on the attached amendment. These transfers are being requested to correct accounts that either are currently negative or are forecasted to go negative by year end. The net amount of transfers requested is $1,387,035, but overall the amendment is cost neutral. Additionally, the Department is requesting to accept $100,000 in grant funding through the Local Assistance and Tribal Consistency Fund program and an additional $300,000 in grant funding from New York State to support the Law Enforcement Assisted Diversion initiative. These grants have no end date for the use of funds.

BUDGET LINE						DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY						
				STATE POS. CODE	POSITION CONTROL					
A	A91620	44037	10000			Insurance	$12,254.00		$183,536.05	General Services
A	A91164	44037	10000			Insurance	$11,228.00		$65,085.88	General Services
A	A94610	44037	10000			Insurance		$4.00	$2,549.00	Crime Victim & Sexual Violence
A	A91185	44037	10000			Insurance		$31.00	$1,104.00	Coroner
A	A91165	44037	10000			Insurance		$67.00	$24,651.00	District Attorney
A	A91432	44037	10000			Insurance		$88.00	$3,627.00	Human Resources
A	A91345	44037	10000			Insurance		$132.00	$4,334.00	General Services
A	A91411	44037	10000			Insurance		$167.00	$9,111.00	Hall of Records
A	A91170	44037	10000			Insurance		$237.00	$10,822.00	Public Defender
A	A91430	44037	10000			Insurance		$273.00	$3,609.00	Civil Service
A	A91420	44037	10000			Insurance		$284.00	$4,860.00	Law
A	A91355	44037	10000			Insurance		$404.00	$22,304.00	Management & Budget
A	A98020	44037	10000			Insurance		$405.00	$4,617.00	Economic Dev. Conservation and
A	A91171	44037	10000			Insurance		$406.00	$7,477.00	Alternate Public Defender
A	A91410	44037	10000			Insurance		$431.00	$17,385.00	County Clerk
A	A91010	44037	10000			Insurance		$614.00	$11,591.00	Leglislature
A	A97310	44037	10000			Insurance		$642.00	$6,489.00	Children, Youth & Families
A	A91450	44037	10000			Insurance		$653.00	$9,037.00	Board of Elections
A	A96510	44037	10000			Insurance		$676.00	$6,235.00	Veterans
A	A96610	44037	10000			Insurance		$682.00	$6,335.00	General Services
A	A91230	44037	10000			Insurance		$800.00	$8,114.00	County Executive
A	A91340	44037	10000			Insurance		$817.00	$7,885.00	Management & Budget
A	A91315	44037	10000			Insurance		$1,185.00	$13,297.00	Audit and Control
A	A91310	44037	10000			Insurance		$1,615.00	$18,177.00	Management & Budget
A	A96772	44037	10000			Insurance		$1,698.00	$16,493.00	Aging
A	A94059	44037	10000			Insurance		$4,055.00	$37,917.00	Children, Youth & Families
A	A91172	44037	10000			Insurance		$5,000.00	$0.00	Assigned Counsel
A	A96010	44037	10000			Insurance		$12,966.00	$250,333.00	Social Services
D	D95110	44037	10000			Insurance	$18,568.00		$115,485.00	Public Works
D	D95110	44080	10000			Road Machinery Fund Payment		$18,568.00	$1,765,364.00	Public Works
A	A96010	19954	10000			Enhanced Pay	$41,000.00		$496,000.00	Social Services
A	A96010	12728	10000	001	460690	APPLICATIONS DEVELOPER		$41,000.00	$37,167.00	Social Services
A	A91185	44252	10000			Medical Services Therapy	$125,000.00		$425,000.00	Coroner
A	A91185	44048	10000			Laboratory Fees and Services	$150,000.00		$550,000.00	Coroner
A	A91185	44046	10000			Fees for Services	$25,000.00		$135,000.00	Coroner
A	1310	12914	10000	001	180084	Title Searcher	$10,200.00		$51,000.00	Finance
A	1310	16092	10000	001	180083	Abstractor	$1,120.00		$0.00	Finance
A	1310	44014				Bag Reduction Fee Expense	$108,267.00		$108,267.00	Finance
A	1310	44046				Fees for Services		$108,267.00	$527,633.00	Finance
A	1310	44117				TaxOnAdultUseCannabisDistMuni	$30,535.00		$30,535.00	Finance
A	1310	44116				TaxOnAdultUseCannabisCounty	$10,178.00		$10,178.00	Finance
A	1310	44046				Fees for Services		$40,713.00	$486,920.00	Finance
A	1310	44046	LATCF			Fees for Services	$100,000.00		$100,000.00	Finance
A	4322	44092	LIF23			LEAD Funding	$300,000.00		$300,000.00	Mental Health
A	1172	16199				Data Officer	$5,960.00		$0.00	Assigned Counsel
A	1680	19954				Enhanced Pay	$3,000.00		$81,000.00	Information Services
A	8021	19954				Enhanced Pay	$3,000.00		$6,000.00	Stormwater Coalition
A	1420	19954				Enhanced Pay	$6,000.00		$108,000.00	Law
A	1164	44046				Fees for Service	$9,250.00			DGS
A	1164	44024				Housekeeping		$2,845.00		DGS
A	1164	44070				Equipment Repair	$9,140.00			DGS
A	1164	44071				Property Repair	$9,775.00			DGS
A	1164	44998				Other Contractual Services	$9,450.00			DGS
A	1345	44042				Print & Advertising	$2,135.00			DGS
A	1610	44046				Fees for Service	$9,858.00			DGS
A	1610	44071				Property Repair	$9,791.00			DGS
A	1610	44725				Civic Ctr Park Garage	$9,022.00			DGS
A	1610	44914				Plaza Walkway Maintenance		$5,000.00		DGS
A	1620	19983				Boot Allowance		$4,000.00		DGS
A	1620	44022				Maint Supplies		$5,250.00		DGS
A	1620	44025				Electrical Supplies		$6,125.00		DGS
A	1620	44038				Travel & Mileage		$2,750.00		DGS
A	1620	44042				Print & Advertising	$9.00			DGS
A	1620	44046				Fees for Service	$9,955.00			DGS
A	1620	44050				Refuse Charge		$11,500.00		DGS
A	1620	44065				Photocopier Lease		$1,200.00		DGS
A	1620	44070				Equipment Repair	$9,850.00			DGS

A	1620	44071		Property Repair	$9,900.00		DGS
A	1620	44201		Uniforms		$5,895.00	DGS
A	1620	44301		Taxes		$22,750.00	DGS
A	1620	44999		Misc Contractual Exp	$9,925.00		DGS
A	1640	44046		Fee for Service		$10,000.00	DGS
A	1660	44070		Equipment Repair		$6,250.00	DGS
A	1670	44070		Equipment Repair		$17,750.00	DGS
A	6610	44072		Auto Maintenanc	$1,250.00		DGS
A	6610	44999		Misc Contractual Exp	$1,995.00		DGS
A	8754	44301		Flood & Erosion		$9,990.00	DGS
A	6989	44901		Payments to Debt Service	$152,106.00		$2,302,106.00 Management & Budget
A	6989	44920		Convention Center Planning Ctr	$228,159.00		$3,453,159.00 Management & Budget
A	6989	44999		Misc Contractual Expense	$76,053.00		$115,053.00 Management & Budget
A	1985	44000		Distribution to Municipalities	$212,287.00		$130,632,287.00 Management & Budget
				TOTAL APPROPRIATIONS	$1,741,220.00	$354,185.00	

ESTIMATED REVENUES

BUDGET LINE					DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ	PRO	FOR POSITIONS ONLY					
				STATE POS. CODE / POSITION CONTROL					
A	1310	04790	LATCF		Local Assistance & Tribal Consistency Fund		$100,000.00	$100,000.00	Finance
A	4322	03398	LIF23		LEAD Funding NYS		300,000.00	300,000.00	Mental Health
A	6989	01113			Hotel Occupancy Tax		456,318.00	6,906,318.00	Management & Budget
A	1985	01110			Sales Tax		530,717.00	326,580,717.00	Management & Budget
					TOTAL REVENUES	$0.00	$1,387,035.00		
					GRAND TOTAL	$1,741,220.00	$1,741,220.00		

GUIDANCE FOR THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

U.S. Department of the Treasury
Updated September 2023

INTRODUCTION

The U.S. Department of the Treasury (Treasury) is updating this guidance issued in July 2022 regarding the Local Assistance and Tribal Consistency Fund (LATCF), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (American Rescue Plan) and as amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023. This guidance provides a summary of the structure and terms of the program, including information about eligible uses of funds, program administration, and other requirements under the LATCF program. This guidance may be updated, revised, or modified, and Treasury may waive these standards to the extent permitted by law.

The American Rescue Plan appropriated $2 billion to Treasury across fiscal years 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments, and Section 103 of Division LL of the Consolidated Appropriations Act, 2023 made additional funding available from LATCF funds unclaimed by eligible revenue sharing counties after January 31, 2023 or unobligated Treasury administrative funds, across fiscal years 2023 and 2024 for payments to eligible revenue sharing consolidated governments, for use on any governmental purpose except for a lobbying activity. Treasury determined the allocation for eligible revenue sharing consolidated governments to be approximately $10.5 million in total for fiscal years 2023 and 2024. Eligible recipients must submit a request for funding in the Treasury Submission Portal to receive their payments, and further instructions can be found on the Treasury website. There is no pre-approval process for projects funded by the program. Recipients must submit periodic reports to Treasury on their expenditures.

The purpose of the LATCF program is to serve as a general revenue enhancement program. Many eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments have historically experienced fluctuations in their revenues, and this program is designed, in part, to supplement existing federal programs that augment and stabilize revenues for these communities. In providing support to these communities, allocations under this program consider the economic conditions of recipients.

Under this program, recipients have broad discretion on uses of funds, similar to the ways in which they may use funds generated from their own local revenue sources. Specifically, recipients may use these funds on any governmental purpose other than a lobbying activity. Recipients may maintain or expand public services – such as health, educational, housing, and public safety services – to their communities with these funds. Recipients may also invest in infrastructure – from roads and bridges to water infrastructure – to facilitate economic development, improve health outcomes, or transition their communities to clean energy. Recipients may also invest in restoring and bolstering government capacity, such as increasing the size of their government workforce or investing in improvements in service delivery, like technology infrastructure and data analysis resources, that will improve delivery of services to their communities for years to come.

I. PROGRAMMATIC TERMS OF THE ASSISTANCE

This section describes the programmatic terms of the program, including key information on eligible applicants, allocations, eligible and ineligible uses of funds, eligible and ineligible costs, and the availability of funds. Recipients are subject to the terms of the award agreement that they must enter into in order to receive funding.

A. ELIGIBLE APPLICANTS

The LATCF, as added by the American Rescue Plan and amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, identifies eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments as the governments eligible to request payment of their allocation of the program and defines eligibility as follows:

- An *eligible revenue sharing county* is a county, parish, or borough that is independent of any other unit of local government; and that, as determined by the Secretary of the Treasury, is the principal provider of government services for the area within its jurisdiction; and for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program. In addition, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands are eligible revenue sharing counties.

- An *eligible revenue sharing consolidated government* is a county, parish, or borough that has been classified by the Bureau of the Census as an active government consolidated with another government, and for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such a program.

- An *eligible Tribal government* is the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the American Rescue Plan pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 1531).

B. ALLOCATIONS

Section 605(b) provides for a total of $2 billion for Treasury to make payments to eligible revenue sharing counties and eligible Tribal governments over fiscal years 2022 and 2023. The provision directs the Secretary to reserve $750 million to allocate and pay to eligible revenue sharing counties for each of fiscal years 2022 and 2023, taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates, as well as other economic indicators, over the 20-year period ending with September 30, 2021. Separately, the provision directs the Secretary to reserve $250 million to allocate and pay to eligible Tribal governments for each of fiscal years 2022 and 2023, taking into account economic conditions of each eligible Tribe.

Section 605(g), as added by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, makes additional funding available from LATCF funds unclaimed by eligible revenue

sharing counties after January 31, 2023 or unobligated Treasury administrative funds, to make payments to eligible revenue sharing consolidated governments for each of fiscal years 2023 and 2024 reflecting an amount equal to the amount that the Secretary would have allocated to such eligible revenue sharing consolidated governments for fiscal year 2022 if such governments had been treated as eligible revenue sharing counties under the original Section 605, using the allocation methodology adopted by Treasury for such eligible revenue sharing counties in 2022.

Eligible Tribal governments may log in to the Treasury Submission Portal to review their specific allocations under the program. Eligible revenue sharing counties and eligible revenue sharing consolidated governments may review their allocations on the Treasury website.

C. ELIGIBLE AND INELIGIBLE USES OF FUNDS

a) Eligible Uses

Section 605(c) provides flexible support for eligible revenue sharing counties, eligible revenue sharing consolidated governments, and eligible Tribal governments to meet their jurisdictions' needs. Specifically, the statute directs that recipients may use funds for any governmental purpose other than a lobbying activity.

As a general matter, recipients may treat these funds in a similar manner to how they treat funds generated from their own local revenue. Programs, services, and capital expenditures that are traditionally undertaken by a government are considered to fulfill a "governmental purpose." For Tribal governments, investing in activities undertaken by Tribal enterprises, such as operating or capital expenditures for businesses that are owned or controlled by a Tribal government, are considered a governmental purpose. However, the LATCF funds may not be used for lobbying activities.

A non-exhaustive list of example activities that fulfill a governmental purpose include, but are not limited to:

- Provision of health services, educational services, court services, police, fire, emergency medical, and other public safety services, utilities or sanitation services, and direct assistance to households (including cash assistance);
- Capital expenditures on core facilities and equipment, including in housing and community development (e.g., schools, hospitals, childcare facilities, and parks and recreation facilities), public safety facilities and equipment (e.g., police vehicles), and government administration buildings;
- Infrastructure investments, including roads, bridges, water and sewer systems, utility systems, airports, public transit, and technology infrastructure;
- Long-term economic development activities, including affordable housing development, workforce development and other programs to strengthen local communities undergoing economic transitions;
- General government operations, such as general government administration, personnel costs, administrative facilities, record keeping, tax assessments, or election administration; and
- Meeting another federal program's non-federal match or cost-sharing requirements, unless

barred by statute or other applicable law (as detailed further in this guidance).

Federal Davis-Bacon Act prevailing wage rate requirements do not apply to projects funded solely by the LATCF except for LATCF-funded construction projects undertaken by the District of Columbia.[1] Further, generally, receipt of LATCF funding does not trigger the National Environmental Policy Act (NEPA),[2] although recipients must ensure compliance with all applicable federal environmental laws.

b) Ineligible Uses

Recipients may not use federal funds to directly or indirectly pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation. Amounts that are used in violation of the lobbying restriction set forth in this guidance may be subject to recoupment.

c) Compliance with financial management, procurement, and conflicts of interest standards

Recipients must expend and account for the LATCF funds in accordance with the financial management, procurement, and conflicts of interest standards, laws, policies, and procedures applicable to their expenditure of and accounting for their own funds. Treasury will monitor violations of this requirement through reporting and other sources. Recipients should also review the Buy America domestic content procurement preference requirements, below.

D. ELIGIBLE AND INELIGIBLE COSTS

As a general matter, recipients may use funds to cover costs incurred on any eligible use, including costs incurred from March 15, 2021. Recipients may use funds to cover costs of administering the LATCF program, including costs of consultants to support effective management and oversight as well as compliance with legal, regulatory, and other requirements.

E. TRANSFERS

Recipients may transfer to and pool LATCF funds with other entities for projects, provided that

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[1] Neither the Davis-Bacon Act nor Davis-Bacon Act related provisions requirements apply to projects funded solely with award funds from the LATCF, except for LATCF-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds to enter into contracts over $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be subject to the requirements of the Davis-Bacon Act, when LATCF funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as "baby Davis-Bacon Acts") may apply to projects.

[2] Projects supported with payments from LATCF may still be subject to NEPA review if they are also funded by or otherwise involve actions from other federal programs or agencies.

recipients are able to track use of the funds in line with the reporting and compliance requirements of the LATCF. As an example, neighboring counties may pool funds in order to invest in a regional infrastructure project. Further, recipients may fund a project with both LATCF funds and other sources of funding, provided that the project is an eligible use under each source program and recipients are compliant with all other related statutory and regulatory requirements and policies.

Transfers under this program do not give rise to subrecipient relationships given the purpose of the award. As a result, recipients do not need to comply with subrecipient monitoring or oversight requirements outlined in the Uniform Guidance at 2 C.F.R. § 200.331 through § 200.332. Further, no subrecipient reporting under 2 C.F.R. Part 170 will be required for this program, although recipients meeting the applicable thresholds will still be required to report on executive compensation pursuant to 2 C.F.R. Part 170.

F. NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

As a general principle, federal funds that constitute revenue sharing to state and local governments may generally be used to meet the non-federal match or cost-share requirements of another program.[3]

Given the LATCF's purpose as a general revenue enhancement program and the broad eligible uses of LATCF funds, Treasury has determined that funds available under the LATCF program constitute revenue sharing. Therefore, funds under the program may be used to meet the non-federal cost-share or matching requirements of other federal programs. Pursuant to 2 C.F.R. § 200.306(b), if funds are legally available to meet the match or cost-share requirements of an agency's federal program, such awarding agency is required to accept such funds for the purpose of that program's match or cost-share requirements except in the circumstances enumerated in that section. If a recipient seeks to use LATCF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 C.F.R. § 200.306(b) would limit the use of LATCF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the LATCF funds for the match or cost-share requirement. Additional guidance specific to Medicaid and CHIP is forthcoming.

Recipients using LATCF funds to meet non-federal match or cost-share requirements of another federal program must ensure that the costs are eligible costs under the other federal program and are compliant with the statutory, regulatory, and program requirements of the LATCF and the other federal program.

G. AVAILABILITY OF FUNDS

All funds are available to recipients until expended or returned to Treasury.

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[3] See U.S. Government Accountability Office, *Principles of Federal Appropriations Law, Third Edition, Volume II,* p. 10-99, GAO-06-382SP (February 2006), https://www.gao.gov/assets/gao-06-382sp.pdf

II. OPERATIONAL TERMS OF THE ASSISTANCE

This section provides a summary of operational terms of the program, including payments, reporting, and compliance. Treasury expects to release reporting and compliance guidance for the LATCF program at a later date.

A. PAYMENTS

Recipients may request payment of their allocation through the Treasury Submission Portal by following the instructions on Treasury's website. Eligible applicants will be required to complete payment information and sign an award agreement. Tribal governments will be required to complete a certification regarding economic conditions.

B. REPORTING

All recipients will be responsible for submitting an annual Obligation and Expenditure report to Treasury, which is expected to require data on obligations and expenditures by category of use and certification that funds have not been used to fund lobbying activities.

Information provided through annual reporting will be used to facilitate Treasury's compliance review for uses of funds that do not comply with program requirements, as well as to reduce the risk of waste, fraud, and abuse. Any eligible revenue sharing county or eligible revenue sharing consolidated government that is determined to have failed to submit a report may be required to repay to Treasury an amount up to 5 percent of its total allocation, as authorized by Sections 605(d) and (e).

C. OVERSIGHT

Recipients will be subject to audit or review by the Treasury Inspector General and Government Accountability Office. Recipients are subject to the Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

D. COMPLIANCE

a) General

Treasury may recoup funds from any recipient in cases of misuse of LATCF funds. Separately, in case of a failure to report, Section 605(c) provides specifically that Treasury may also recoup funds from an eligible revenue sharing county or an eligible revenue sharing consolidated government of an amount that the Secretary determines appropriate but that does not exceed 5 percent of the recipient's total allocation.

Any amounts that Treasury has determined to recoup would be subject to generally applicable federal debt collection laws and procedures, including the provisions set forth in Chapter 37 of title 31 of the United States Code and the Federal Claims Collection Standards at 31 C.F.R. Parts 900 through 904.

Treasury expects to work with recipients to support the use of LATCF funds and the timely filing

of annual reports to Treasury. Treasury may, for example, request additional information and work with recipients to remedy the failure to timely file a report before initiating the recoupment process. Treasury may pursue additional remedies for noncompliance with applicable law or program requirements in conjunction with, or as an alternative to, recoupment, including imposing conditions on the receipt of additional LATCF funds by the recipient and/or terminating further payments from the LATCF.

b) Recoupment Process

Treasury will monitor recipients' compliance with legislative and program requirements through evaluation of information submitted by recipients through annual reporting as well as other sources. If Treasury identifies an instance of potential non-compliance, Treasury expects to provide the recipient with a notice of the proposed non-compliance. Treasury expects the notice of proposed non-compliance to set forth a process consistent with the award terms and conditions and applicable law. Recipients that receive a final determination of non-compliance from Treasury will be required to repay any amounts in accordance with the process set forth in the final determination of non-compliance.

Treasury retains the discretion to provide additional guidance on the process set forth above in accordance with and as permitted by Chapter 37 of title 31 of the United States Code and the Federal Claims Collection Standards at 31 C.F.R. Part 900.

E. APPLICATION OF FEDERAL FINANCIAL ASSISTANCE REQUIREMENTS

The LATCF is considered federal financial assistance and recipients are generally subject to laws and regulations applicable to federal financial assistance.

a) Financial Assistance Award Management Requirements

LATCF recipients are subject to the following provisions of 2 C.F.R. Part 200 (the Uniform Guidance):

- 2 C.F.R. Subpart A (Acronyms);
- 2 C.F.R. 200.100-110 (certain General Provisions);
- 2 C.F.R. 200.203 (public notice of Federal financial assistance programs);
- 2 C.F.R. 200.303 (internal controls); and
- Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

Per 2 C.F.R. § 200.101(b), the program is not subject to other Uniform Guidance provisions beyond those detailed above, such as the provisions regarding program income, interest advances, equipment and real property management, procurement requirements, or subrecipient monitoring and reporting requirements. Therefore, capital assets acquired using LATCF funds are not subject to the Uniform Guidance's use and disposition instructions, and program income is income to the recipient government and not subject to program restrictions.

No subrecipient reporting under 2 C.F.R. Part 170 (implementing the Federal Funding Accountability and Transparency Act of 2006) will be required for this program, although

recipients meeting the applicable thresholds will still be required to report on executive compensation pursuant to 2 C.F.R. Part 170. Treasury's regulations at 31 C.F.R. Part 19 (implementing OMB's Guidelines to Agencies on Governmentwide Debarment and Suspension at 2 C.F.R. Part 180) are applicable to the program. Recipients are required to comply with the System for Award Management (SAM) requirements in 2 C.F.R. Part 25.[4]

There are no matching, level of effort, or earmarking compliance responsibilities associated with the LATCF program.

b) Buy America Domestic Content Procurement Preference

The Build America, Buy America Act establishes domestic content procurement preference requirements for federal financial assistance programs for infrastructure.[5] These requirements apply to the LATCF. As such, expenditures for iron, steel, manufactured products, and construction materials used in an infrastructure project funded using a LATCF award generally must be produced in the United States. These requirements do not apply to non-infrastructure projects or to infrastructure projects undertaken in response to the COVID-19 public health emergency.

Recipients should review the details of these domestic content procurement requirements as provided in the terms and conditions of the LATCF award, which follow the guidance provided by the Office of Management and Budget (OMB).[6] The definition of infrastructure as provided by the Build America, Buy America Act and OMB guidance is broad and includes the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. An infrastructure project includes the construction, alteration, maintenance, or repair of infrastructure.

Treasury has issued a six-month public interest adjustment period general applicability waiver from the Buy America Domestic Content Procurement Preference (BAP) as applied to federal financial assistance provided to non-Tribal government recipients of LATCF. Under this waiver, the application of BAP requirements does not apply to LATCF award agreements entered into by these recipients during the waiver period, effective from September 27, 2022 to March 26, 2023.

Treasury has also issued a one-year general applicability waiver from the BAP requirements as applied to Tribal government recipients of LATCF. This one-year Tribal consultations waiver applies to all award agreements entered into with Tribal governments during the one-year period

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[4] 2 C.F.R. Part 25, Subpart C, is inapplicable to this program as transfers under this program do not give rise to subrecipient relationships.

[5] *See* section 70914(a) of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA). The Buy America, Build America Act was included as sections 70901-27 of the IIJA.

[6] OMB's guidance is provided in OMB Memorandum M-22-11, "Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure" (April 18, 2022), *available at* https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf.

beginning on the effective date of the waiver, January 17, 2023. In addition, in the case of award agreements entered into with Tribal governments prior to the date of the final waiver, January 17, 2023, the waiver applies to all expenditures incurred after the date of the final waiver on an infrastructure project if there is no other federal assistance used for such project that is subject to BAP. Tribal governments that have received an award prior to the date that the Tribal Consultation waiver from the BAP became effective and expended the funds on infrastructure projects may still be subject to the requirements of the Buy America, Build America Act. Treasury has provided more details on its website.

In addition, the Buy America, Build America Act requirements do not apply to expenditures using LATCF funds for infrastructure projects undertaken in response to the COVID-19 public health emergency or in response to or anticipation of other major disasters or emergencies declared by the President under the Stafford Act.[7] Treasury recognizes that the public health emergency is impacting recipients in different ways and that recipients are impacted by a broad range of other types of major disasters and emergencies declared under the Stafford Act. Accordingly, recipients should make their own determinations as to what infrastructure projects they need to undertake to respond to the COVID-19 public health emergency or other Stafford Act disaster or emergency.

F. COMPLIANCE WITH OTHER APPLICABLE LAWS

Recipients are responsible for complying with all other applicable laws in the course of using the funds from their award, including all applicable environmental laws and all laws applicable to federal financial assistance (unless stated otherwise in this guidance or the award agreement). Applicable laws include but are not limited to those listed in the award agreement.

Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 8, 1997) re: Increasing Seat Belt Use, Treasury encourages recipients to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles. Recipients should also encourage their contractors to adopt and enforce such policies.

Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 1, 2009), re: Reducing Text Messaging While Driving, Treasury encourages recipients to encourage their employees and contractors to adopt and enforce policies that ban text messaging while driving, and recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

[7] More specifically, as provided in OMB's guidance, the requirements of the Buy America, Build America Act do not apply to expenditures made in anticipation of or in response to an event or events that qualify as an "emergency" or "major disaster" within the meaning of the Stafford Act, 42 U.S.C. § 5122(1), (2). *See* OMB Memorandum M-22-11 at 3-4.

III. CONTACT INFORMATION

E-mail correspondence is preferred. Correspondence by mail may be subject to significant delays.

LATCF@treasury.gov

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Attn: **Local Assistance and Tribal Consistency Fund**
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Washington, DC 20220

treasury.gov/LATCF

IV. UPDATE LOG

Date	Action
July 2022	Treasury issues Guidance
February 2023	Treasury updates Guidance to reflect amendment to LATCF by Section 103 of Division LL of the Consolidated Appropriations Act, 2023 and to reflect Buy America Domestic Content Procurement Preference waivers issued by Treasury.
September 2023	Treasury updates name of LATCF annual report to match the LATCF Reporting Guidance