

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Rensselaer

Local Law No. 1 of the year 2011

A local law Amending Local Law No. 3 of 1990 and Re-Enacting and Re-Adopting a Law
(Insert Title)
to Impose an Enhanced Emergency Telephone System Surcharge, Including Voice
Over Internet Protocol Telephones, Pursuant to County Law Section 303

By: Stammel, Walsh, Manny

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Title.

This law shall be known as the "Local Law Imposing a Surcharge on the Customers of Every Telephone and Voice Over Internet Protocol Service Supplier Providing Local Exchange Service within Rensselaer County to Pay the Costs Associated with an Enhanced 911 Emergency Telephone System Servicing Rensselaer County."

Section 2. Declaration of Intent.

The County Legislature recognizes the paramount importance of the health, safety and welfare of the residents of the County and that when the lives or property of its residents are in imminent danger that timely and appropriate assistance must be rendered. The Legislature has determined that the enhanced emergency telephone system known as "E911" provides substantial benefits beyond basic 911 systems through the provisions of selective routing and automatic number and location identification and that these enhancements not only significantly reduce the response time of emergency services but also represent the state of the art in fail-safe emergency telephone system technology, and has entered into an agreement with New York Telephone Company for such service.

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(1)

The New York State Legislature has recognized that the cost of implementing, maintaining and upgrading an E911 system is costly and has adopted Chapters 756 and 757 of the Laws of 1989 and Chapters amending the County Law and the Tax Law to provide counties with a funding mechanism to assist in the payment of the costs associated with establishing and maintaining and E911 system. It is the intent of the County Legislature to fulfill its obligation to provide for the health, safety and welfare of the residents of Rensselaer County by adopting this Local Law imposing a surcharge on the customers of every telephone service supplier within the County to pay for the costs associated with obtaining and maintaining telecommunication equipment and telephone services needed to provide and maintain an enhanced 911 emergency telephone system to serve Rensselaer County.

Section 3. Establishment of County Surcharge for Enhanced Emergency Telephone System.

The County of Rensselaer here by adopts the applicable provisions of Article Six of the County Law as they pertain to the County and its emergency telephone system and hereby imposes a surcharge in an amount of Thirty-Five Cents (\$.35) per access line, per month, on the customers of every telephone service supplier within the County of Rensselaer to pay for the costs associated with obtaining and maintaining the telecommunication equipment and telephone services need to provide an enhanced 911 emergency telephone system to service Rensselaer County.

Section 4. Definitions.

All words and phrases used in this Local Law shall have the same meaning as defined in Article Six of the County Law and as specifically defined in this Local Law as follows:

- a) "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
- b) "911 service areas" means the area within the geographic boundaries of Rensselaer County.
- c) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within the 911 service area.

- d) "Voice over internet protocol service" or "VOIP service" shall mean that any service that (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol compatible customer premises equipment (CPE); and (iv) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

Section 5. Effective date of Imposition of Surcharge.

All telephone service suppliers which provide local exchange access services within the 911 service area shall impose and add such surcharge to the billing of its customers commencing March 15, 2011. All providers of voice over internet protocol service which provide such service within the 911 area shall impose and add such surcharge to the billing of its customers commencing March 15, 2010.

Section 6. Applications; Limitations; Exemptions.

- a) The surcharge established pursuant to this Local Law and Article Six of the County Law shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.
- b) No surcharge shall be imposed upon more than seventy-five (75) exchange access lines per customer per location.
- c) Lifeline customers and Rensselaer County shall be exempt from the surcharge imposed under this local Law.

Section 7. Collection of Surcharge.

- a) The appropriate service supplier or suppliers serving the 911 service area shall act as collection agents for the County and shall remit the funds collected as the surcharge to the Rensselaer County Chief Fiscal Officer every month. Such funds shall be remitted no later than thirty (30) days after the last business day of such period.
- b) The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent (2%) of its collections of the surcharge.
- c) The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.
- d) The service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

Section 8. Liability for Surcharge.

- a) Each service supplier customer who is subject to the provisions of this Local Law shall be liable to the County for the surcharge until it has been paid to the County, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.
- b) The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this Local Law and shall state the amount of such surcharge remaining unpaid.

Section 9. System Revenues: Adjustment of Surcharge.

All surcharge monies remitted to the County by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County shall be expended only upon authorization of the County Legislature and only for payment of system costs as permitted by Article Six of the County Law. The County shall separately account for, and keep adequate books and records of, the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year, the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year; such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent (5%) of that necessary for the payment of system costs in such fiscal year, the County Legislature shall, by Local Law, reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The County Legislature may also, by Local Law, reestablish or increase such surcharge, subject to the provisions of Article Six of the County Law and this Local Law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

Section 10. Effective Date.

This Local Law shall take effect upon its filing, pursuant to Municipal Home Rule Law Section 27, with the Secretary of State.

Local Law ADOPTED by the following vote:

Ayes: 19

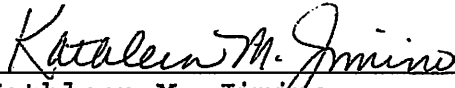
Nays: 0

Abstain: 0

December 21, 2010

Approved by the County Executive:

Dated: 1/5/2011



Kathleen M. Jimino
County Executive

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County of Rensselaer

Local Law No. 2 of the year 2011

A local law Authorizing and Extending Workers' Compensation Coverage To Enrolled
(Insert Title)
Volunteer Ambulance Workers' in Districts Enrolled in the Rensselaer County
Workers' Compensation Program

By: Reid

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent. After due consideration, it is the consensus of this Legislative Body that it is in the best interests of the citizens of the County of Rensselaer that, in order to encourage volunteer participation in the many volunteer ambulance districts, that said districts shall be allowed to enroll in the County's Workers' Compensation Self-Insurance Plan.

Section 2. Authorization. Workers' Compensation coverage shall therefore be afforded to said unpaid ambulance workers of said volunteer ambulance districts located in Rensselaer County that are enrolled in Rensselaer County's Workers Compensation Plan. Accordingly, it is the intent of this Legislature that this Local Law shall satisfy the legal requirements of Section 61, Subdivision 5, Section 63, Subdivision 3, and Section 63, Subdivision 9 of the Workers' Compensation Law of the State of New York and authorize and extend Workers' Compensation to volunteer membership thereof meeting the aforementioned criteria. The existence of a volunteer ambulance employees shall be and hereby is authorized for the purposes of Section 61, Subdivision 5, Section 63, Subdivision 3, and Section 63, Subdivision 9 of the Workers' Compensation Law of the State of New York.

Section 3. Employee Defined. Within the meaning and intent and for the purposes of Section 61, Subdivision 5, Section 63, Subdivision 3, and Section 63, Subdivision 9 of the Workers' Compensation Law of the

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(1)

State of New York, all unpaid members of the volunteer ambulance districts enrolled in the Rensselaer County Workers Compensation Plan shall be and hereby are deemed to be employees of the County of Rensselaer and Workers' Compensation coverage shall be and hereby is extended to such individuals during the course of their employment, as that term is further defined by Section 61, Subdivision 5, Section 63, Subdivision 3, and Section 63, Subdivision 9 of the Workers' Compensation Law of the State of New York provided the affiliated districts enroll in the County's self-insurance plan.

Section 4. Definition. Subject to the aforementioned, all benefits provided here and under shall be applied and administered in the same manner and with the same restrictions as to volunteer fire fighters located within the County of Rensselaer.

Section 5. Effective Date. This local law shall take effect upon filing with the Office of the Secretary of State, pursuant to the applicable provisions of the Municipal Home Rule Law of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 18

Nays: 0

Abstain: 0

May 10, 2011

Approved by the County Executive:

Dated: May 24, 2011

Kathleen M. Jimino
Kathleen M. Jimino
County Executive

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County of Rensselaer

Local Law No. 3 of the year 2011

A local law Preventing Disruption of Funeral Related Events.
(Insert Title)

By: Walsh, Shannon

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

SECTION 1. This section shall be known and may be cited as the "The Law Against the Disruption of Funeral Related Events".

1. The Legislature finds that:

- a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives; and
- b. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations; and
- c. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one (1) hour prior to, during and one (1) hour following the commencement of funerals.

2. The purposes of this section are to:

- a. Protect the privacy of grieving families within one (1) hour prior to, during and one (1) hour following the commencement of funerals; and

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- b. Preserve the peaceful character of cemeteries, mortuaries and churches within one (1) hour prior to, during and one (1) hour following the commencement of funerals; and
- c. Protect the First Amendment Rights of individuals by placing only restrictions that are content neutral and contain a reasonable time and place limitation.

3. As used in this section:

- a. "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and
- b. "Picketing" means protest activities engaged in by a person or persons within seven hundred and fifty (750) feet of a cemetery, mortuary or church within one (1) hour prior to, during and one (1) hour following the commencement of a funeral; and
- c. It is unlawful for any person to engage in picketing within seven hundred and fifty (750) feet of any cemetery, burial plot, mortuary, crematorium, church, synagogue, mosque or temple within one (1) hour prior to, during and one (1) hour following the commencement of a funeral.
- d. Any person knowingly violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand dollars (\$1,000.00), and/or by imprisonment of up to (1) one year.
- e. Severability: If any clause, sentence, paragraph, subdivision, section or part of this local law or application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 2. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law ADOPTED by the following vote:

Ayes: 18

Nays: 0

Abstain: 0

May 10, 2011

Approved by the County Executive:

Dated: May 24, 2011

Kathleen M. Jimino
Kathleen M. Jimino
County Executive

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County of Rensselaer

Local Law No. 4 of the year 2011

A local law Amending Local Law No. 2 of the Year 1989, as Amended by Local Law No.
(Insert Title)
2 of the Year 1992, as Amended by Local Law No. 4 of the Year 1994, as
Amended by Local Law No. 2 of the Year 2000

By: Reid

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Be it enacted by the County Legislature of the County of Rensselaer as follows:

Section 1. Rensselaer County Ethics Law. As established by Local Law No. 2 of the year 1989, as amended by Local Law No. 2 of the year 1992, as amended by the Local Law No. 4 of the year 1994, as amended by the Local Law No. 2 of the year 2000.

Section 2. Amend Section 2 (13). Section 2 (13) of Local Law No. 2 of the year 1989, as amended by Local Law No. 2 of the year 1992, as amended by the Local Law No. 4 of the year 1994, as amended by Local Law No. 2 of the year 2000 is hereby amended to read as follows:

13. "Rensselaer County" shall include the Rensselaer County government and shall include its boards, agencies, commissions, authorities and districts.

Section 3. Amend Section 3 (10). Section 3 (10) of Local Law No. 2 of the year 1989, as amended by Local Law No. 2 of the year 1992, as amended by the Local Law No. 4 of the year 1994, as amended by Local Law No. 2 of the year 2000 is hereby amended to read as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

10. No elected public official or family member hereof, nor any partnership or unincorporated association in which he or she is a member or employee or in which he or she has a proprietary interest, nor any business or professional corporation of which he or she is an officer, director or legally or beneficially owns or controls more than five percent of the outstanding stock, shall have business dealings with Rensselaer County or any of its boards, agencies, commissions, authorities and districts. For purposes of this subdivision, business dealings shall include contracts with Rensselaer County, its boards, agencies, commissions, authorities and districts, gained through competitive bidding.

Section 4. Effective Date. This Act shall take effect following filing with the Secretary of State, the effective date of the Law shall be November 15, 2011.

Local Law ADOPTED by the following vote:

Ayes: 13

Nays: 5 (Ryan, Cassidy, Fleming, Grimm, Manny)

Abstain: 1 (Rosamilia)

August 9, 2011

Approved by the County Executive:

Dated: August 19, 2011

Kathleen M. Jimino
Kathleen M. Jimino
County Executive

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County of Rensselaer

Local Law No. 5 of the year 2011

A local law Amending Section 5.03(A)(3), Section 5.03(B)(2), Section 5.03(B)(4),
(Insert Title)
Section 5.03(B)(6) and Section 5.03(C) of the Rensselaer County Charter

By: Reid

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent. This Legislative Body recognizes the need to update the Rensselaer County Charter.

Section 2. Amendments to the Rensselaer County Charter:

1) Replace Section 5.03(A)(3) of the Rensselaer County Charter with the following: The Budget Director shall prepare for the County Executive, as Budget Officer, the Tentative Budget to be filed with the Clerk of the Legislature on or before October 20. The Tentative Budget shall include, without modification by the County Executive, those line item appropriation requests for the Legislative Board and the Clerk of the Legislature as are jointly submitted and approved by the Chairman and the Minority Leader in writing to the Budget Officer on or before October 1. The Tentative Budget shall include a budget message explaining the document and the policies of the Budget Officer, and a proposed appropriation resolution referring to the Annual Budget and making provision for the conduct of the County Government for the ensuing year. Such budget message shall set forth the county wide cumulative tax rate prior to chargebacks under the Tentative Budget and also include a statement as to whether or not the adoption of the Tentative Budget as the Annual Budget shall require at least a two-thirds vote of the members of the legislature.

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2) Replace Section 5.03(B)(2) of the Rensselaer County Charter with the following: The Budget and Finance Committee of the Legislature, through its Chairperson shall file its report with the Clerk of the Legislature and the County Executive on or before November 20, containing any and all proposed changes to the Tentative Budget and a statement as to whether or not the adoption of the proposed changes shall cause an increase in the County wide cumulative tax rate so as to require at least a two-thirds (2/3) vote of the members of the Legislature.

3) Replace Section 5.03(B)(4) of the Rensselaer County Charter with the following: Following completion of the public hearing and prior to December 2, a committee consisting of the County Executive, the Budget Director, the Chairman of the County Legislature, the Majority and Minority Leaders of the County Legislature, and members of the Budget and Finance Committee shall convene to review the suggested changes to the Tentative Budget. Thereafter, and on or before December 5, the Chairman of the County Legislature shall convene a regular or special meeting of the County Legislature to consider and adopt an Annual Budget. Whenever the Tentative Budget or the suggested changes to the Tentative Budget shall cause an increase in the county wide cumulative tax rate, the Annual Budget shall be adopted by a vote of at least two-thirds (2/3) of the members of the Legislature; upon a vote of less than two-thirds (2/3) of the members of the Legislature, the Tentative Budget as submitted by the County Executive and as modified by the legislative revisions approved by the County Executive, to the extent that same complies with applicable law, shall constitute the Annual Budget for the ensuing year and the County Legislature shall provide for the raising of taxes required by such Annual Budget in the manner and within the time prescribed by law. The Legislature shall have until December 10 to obtain the aforementioned two-thirds (2/3) vote.

4) Replace Section 5.03(B)(6) of the Rensselaer County Charter with the following: Upon receipt of a veto message from the County Executive the Chairman of the Legislature shall convene the County Legislature not later than December 10 for the purpose of reconsidering each vetoed item. Following such final action by the Legislature, the Tentative Budget, as amended by the legislative revisions approved by the County Executive and those vetoed but overridden by the County Legislature by a vote of at least two-thirds (2/3) of the whole number of its members shall become the final Annual Budget for the ensuing year.

5) Replace Section 5.03(C) of the Rensselaer County Charter with the following: 8. Failure to Act or Adopt. In the event that the County Legislature shall fail to adopt a final Annual Budget for the ensuing fiscal year on or before December 10 for any reason, including, but not limited to failing to obtain the two-thirds (2/3) vote, if required, or wholly failing to act, the Tentative Budget as submitted by the County Executive and as modified by the legislative revisions approved by the County Executive, to the extent it complies with applicable law, shall constitute the Annual Budget for such ensuing fiscal year and the County Legislature shall provide for the raising of the taxes required by such Annual Budget in the manner and within the time prescribed by law.

Section 3. Effective date. This local law shall take effect upon filing with the office of the Secretary of State of the State of New York, pursuant to the applicable provisions of the Municipal Home Rule Law.

Local Law ADOPTED by the following vote:

Ayes: 11


Nays: 5 (Cassidy, Grimm, Manny, Rosamilia, Ryan)

Abstain: 0

September 14, 2011

Approved by the County Executive:

Dated: 9/30/11



Kathleen M. Jimino
County Executive