

ANNUAL REPORT  
to the Governor and the Legislature

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MANDATE *Relief* COUNCIL

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DECEMBER 2013



## Executive Summary

The Mandate Relief Council is an eleven-member Executive and Legislative council charged with reviewing and advancing proposals to reduce the statutory and regulatory burden on local governments, school districts, and businesses.

The burden of mandates is not a new one. These requirements have accumulated over decades and are woven throughout statute and regulation. Over the past three years, significant progress has been made to untangle and remove these mandates to provide relief to local governments, school districts, businesses, and taxpayers.

In 2011, one of the Governor's first executive orders created a team of experts charged with finding ways to cut the unfunded mandates that help make New York one of the most taxed states in the nation. Based on this team's efforts, the Governor worked with the Legislature to enact a \$125 million mandate relief package, which included the following reforms:

- **Efficient School Transportation.** Authorized schools to provide student transportation based on patterns of actual ridership.
- **Procurement Flexibility.** Provided local governments with expanded procurement options, such as the authority to "piggyback" on Federal General Services Administration contracts and county public works contracts.
- **Shared Superintendents.** Allowed up to three school districts with less than 1,000 students each to share a school superintendent.

In 2012, the Governor advanced and the Legislature enacted real relief from two of the greatest burdens on local taxpayers – pension costs and Medicaid – with the following reforms:

- **Pension Reform.** Created a new pension tier that will save the State and locals more than \$80 billion over the next 30 years.
- **Medicaid Growth Takeover.** Began a state takeover of the growth in the local share of Medicaid costs, which will save counties and New York City \$1.2 billion over five years.
- **Medicaid Administration Takeover.** Implemented a phased-in takeover of local Medicaid administration, which will result in greater efficiencies and help achieve State and Federal health care reform initiatives.

Building on the prior two years, the Governor proposed and worked with the Legislature to provide additional flexibility and lessen the mandate burden in 2013 through the following actions:

- **Binding Arbitration Reform.** Required arbitration panels for police and fire labor contracts to give significant weight to a fiscally eligible local government's ability to pay and to consider the property tax cap in making awards.
- **Stable Pension Option.** Provided a stable pension contribution rate option, which allows local governments and school districts to access the long-term savings from the 2012 pension reforms, gives greater predictability in pension costs, and includes assurances to protect the integrity of the pension funds.
- **Medicaid Savings Advance.** Advanced \$86 million in local Medicaid savings associated with enhanced Federal payments.
- **Preschool Special Education Audits.** Allowed counties to keep all recoveries from local audits of preschool special education providers (instead of 40.5 percent).
- **Small School Flexibility.** Increased the threshold for requiring an internal auditor from school districts with more than 300 students to school districts with more than 1,500 students.
- **Workers Compensation and Unemployment Insurance Reforms.** Reformed the workers compensation and unemployment insurance systems.

Along with the mandate relief that was enacted this year, the Council's statutory charge was expanded to include, in addition to the review of mandates on local governments and school districts, the review of mandates on businesses. To meet its charge, the Council has been reviewing and posting for public comment mandate review requests from local governments, school districts, and businesses.

## **Mandate Relief Council**

**Lawrence Schwartz**  
Chair  
Secretary to the Governor

**Mylan Denerstein**  
Counsel to the Governor

**Robert Megna**  
Director of the Division of the Budget

**Cesar Perales**  
Secretary of State

**Courtney Burke**  
Deputy Secretary for Health

**Alphonso David**  
Deputy Secretary for Civil Rights

**Ian Rosenblum**  
Deputy Secretary for Education and Economic Opportunity

**Senator Elizabeth Little**  
appointed by the Temporary President of the Senate

**Senator Jack Martins**  
appointed by the Temporary President of the Senate

**Assemblyman William Magnarelli**  
appointed by the Speaker of the Assembly

**Assemblyman Carl Heastie**  
appointed by the Speaker of the Assembly

## **Background on the Mandate Relief Council**

The Mandate Relief Council is an eleven-member Executive and Legislative council that was created in 2012 to review and advance proposals that reduce the statutory and regulatory burden on local governments and school districts. In 2013, this charge was expanded to include mandates on businesses.

To accomplish its charge, the Council is to review specific mandates identified by local governments, school districts, businesses, or members of the Council. After considering public comment on each mandate, the Council determines whether it is being imposed in an “unsound, unduly burdensome or costly manner so as to necessitate that it be eliminated or reformed.”

If the Council makes such a determination, it may:

- refer a local government or school district to the appropriate state agency to petition for regulatory flexibility;
- upon a two-thirds vote, refer a regulation on a local government or school district to be repealed or modified; or
- upon a vote of seven members, refer a statute to be repealed or modified.

In addition, local governments and school districts may appeal to the Council to review a state agency determination on the local government’s or school district’s petition for regulatory flexibility. The Council may affirm, reject, or modify the agency’s determination.

The Council maintains a website at <http://www.governor.ny.gov/mandatereliefcouncil>. It includes: a form to request a mandate review, a public comment form, a description of the Council’s mandate review process, the Council’s statute, information on the Council’s meetings, and copies of the Council’s annual report.

## **Significant Mandate Relief Achieved**

The burden of mandates was created over decades - requirements are calcified throughout New York’s laws and regulations. Over the past three years, significant progress has been made to break down these mandates to give relief to local governments, school districts, businesses, and taxpayers.

With one of his first Executive Orders, the Governor created the Mandate Relief Redesign Team in 2011. This team of experts included legislators, local government and school officials, business leaders, and union officials and was charged with finding ways to cut the unfunded mandates that helped to make New York one of the most taxed states in the nation. Based on this team’s efforts, the Governor worked with the Legislature to enact a \$125 million mandate relief package, which included:

- **Mandate Relief Council.** Created the Mandate Relief Council to review and advance mandate relief opportunities for local governments and school districts.
- **Efficient School Transportation.** Authorized schools to provide student transportation based on patterns of actual ridership.
- **Procurement Flexibility.** Provided local governments with expanded procurement options, such as the authority to "piggyback" on Federal General Services Administration contracts and county public works contracts.
- **Shared Superintendents.** Allowed up to three school districts with less than 1,000 students each to share a school superintendent.

In 2012, the newly-created Mandate Relief Council held a series of ten hearings across the State. At these hearings, the Council received testimony from over 150 individuals representing counties, cities, towns, villages, school districts, businesses, taxpayers, and a variety of other interests.

The State not only listened to mandate relief ideas; it also took action to provide significant relief to taxpayers. The Governor advanced and the Legislature enacted sweeping structural reforms to relieve local governments of State mandates that drive up local costs. These reforms, which address the largest cost-drivers for local governments, include:

- **Pension Reform.** A new tier in the State pension system will save the State and local governments \$80 billion over 30 years.
- **Medicaid Growth Takeover.** Began a state takeover of the growth in the local share of Medicaid costs, which will save counties and New York City \$1.2 billion over five years.
- **Medicaid Administration Takeover.** Implemented a phased-in takeover of local Medicaid administration, which will result in greater efficiencies and help achieve State and Federal health care reform initiatives.
- **Early Intervention.** Reforms to the Early Intervention program will save local governments \$54 million over five years.

Continuing the progress achieved in the previous two years, the Governor and Legislature worked together in 2013 to provide additional flexibility and lessen the mandate burden.

After decades of local governments calling for changes to the binding arbitration process with police and fire unions, the Governor advanced and the Legislature enacted reforms that would require arbitrators to give significant weight to a fiscally eligible local government's ability to pay and to consider the requirements and limitation of the

property tax cap in making awards. This will ensure that a local government's fiscal position is given adequate consideration in making these awards. Nearly 400 local governments would be considered fiscally eligible for the new binding arbitration reforms because they have high property taxes or low reserves. These municipalities employ more than half of the sworn local government law enforcement personnel outside of New York City.

Under these reforms, arbitration panels must give 70 percent of the weight of their decision to ability to pay, and must specifically consider the requirements and limitations of the State's historic real property tax cap. The remaining 30 percent weight would be afforded to the other statutory criteria such as wage comparison, prior contracts, and public interest. Under current law, there are no assigned weights to the four measures, and there is no obligation to consider the real property tax cap.

Along with the binding arbitration reforms, the Financial Restructuring Board for Local Governments was created. This ten-member panel can, upon the request of a local government, undertake a comprehensive review of that local government's finances and operations and make recommendations to that municipality on improving its fiscal stability, management, and the delivery of public services. The Board also can, upon the joint request of a local government and a police or fire union, serve as a binding arbitration panel. The creation of the Board provides further options for local governments to address the fiscal issues that they are facing. More information on the Board is available on its website <https://frb.ny.gov/>.

In addition to the binding arbitration reforms enacted at the end of session, a number of mandate relief proposals were included in the 2013-14 budget.

- **Stable Pension Option.** A more stable pension contribution rate option was created for local governments and school districts. This option provides access to the long-term savings from the 2012 pension reforms, gives greater predictability in pension costs, and includes assurances to protect the integrity of the pension funds.
- **Medicaid Savings Advance.** \$86 million in local Medicaid savings associated with enhanced Federal payments were advanced.
- **Preschool Special Education Audits.** Counties are now authorized to keep all recoveries from local audits of Preschool Special Education providers (instead of 40.5 percent).
- **General Public Health Works Enhancements.** The General Public Health Works program was enhanced to incentivize performance and reduce the administrative burden on counties.

- **Workers Compensation Reform.** Reforms to the workers' compensation law will cut costs for employers, increase the minimum benefit to workers, and overhaul the way the workers' compensation system is managed.
- **Unemployment Insurance Reform.** The reforms to unemployment insurance system provide interest payment savings for employers, include new measures to ensure trust fund solvency, improve New York's nationally recognized UI fraud prevention measures, help the unemployed to get back to work more quickly, and increase the benefit rates for unemployed workers.

Two mandate relief proposals that the Council urged the Governor and Legislature to work together on last year were advanced in the 2013-14 Executive Budget. The first was to eliminate the requirement that small school districts have an internal auditor. As part of the enacted budget, the statutory threshold for requiring an internal auditor was increased from school districts with more than 300 pupils to school districts with more than 1500 pupils. The second proposal would have allowed school districts to petition for flexibility from special education requirements. This proposal was not enacted.

A detailed list of mandate relief achieved over the past three years is available in Appendix 1.

## **Expansion of the Mandate Relief Council's Charge**

As part of the law enacting the SUNY Tax-free Areas to Revitalize and Transform UPstate NY (START-UP NY), the Mandate Relief Council's authorizing statute was amended to allow the Council to review mandates on businesses.

"[A]ny entity doing business in or authorized to operate in the state of New York, including, but not limited to, for-profit and not-for-profit corporations, sole proprietorships, partnerships, and limited liability companies" can request that the Council review a mandate. As with mandates on local governments or school districts, the Council is authorized to refer unsound, unduly burdensome or costly statutory mandates on business to be repealed or modified.

This expansion of the Council's charge was authorized by Part B of Chapter 68 of the Laws of 2013, which is in Appendix 2.

## **Mandate Review Requests**

As part of its statutory charge, the Mandate Relief Council is to review requests for mandate relief from local governments, school districts, and businesses. Each local government or school district must make the request by resolution of its governing board and is allowed to make up to three review requests per calendar year. The Council is required to receive and consider public comment about the requests.

To aid in the submission of Mandate Review Requests, the Council's website has an electronic form for local governments, school districts, and businesses to submit and provide background information on their requests. These requests are then shared with the Council Members and posted on the Council's website for public comment, which can be submitted electronically.

This year, the Council received and posted four requests for public comment. The complete package of Mandate Review Requests is in Appendix 3.

On December 11, 2013, the Council met to consider and make a determination on these requests.

A "Yes" vote signifies that the statute or regulation identified in the request imposes an unsound, unduly burdensome or costly mandate that must be eliminated or reformed.

A "No" vote signifies that the statute or regulation identified in the request is not a mandate within the meaning of the law, is not unsound, unduly burdensome or costly, or need not be eliminated or reformed at this time.

The following actions on these requests were taken:

- 2013080001. Yes: 0 - No: 10.
- 2013080002. Yes: 0 - No: 10.
- 2013080003. Yes: 0 - No: 10.
- 2013080004. Yes: 10 - No: 0. The Council urged the Governor and Legislature to work together to address this issue.

At this meeting, the Council also approved this annual report by a vote of 10-0.

## **Appendix 1**

### **Mandate Relief Achieved**

**2011-2013**

### **Reducing the Cost of Employee Benefits**

- Establish a new tier in the State pension system to save the State and local governments \$80 billion over 30 years
- Offer a more stable rate pension contribution option to allow local governments and school districts to access the long-term savings from the 2012 pension reforms and provide greater predictability in pension costs
- Reform the workers' compensation system to cut costs for employers, increase the minimum benefit to workers, and overhaul the way the workers' compensation system is managed
- Reform the unemployment insurance system to provide interest payment savings for employers, include new measures to ensure trust fund solvency, improve New York's nationally recognized UI fraud prevention measures, help the unemployed to get back to work more quickly, and increase the benefit rates for unemployed workers.

### **Easing the Burden of Medicaid and Public Health Programs**

- Takeover the growth in the local share of Medicaid expenses, saving counties and New York City \$1.2 billion over five years
- Implement a State takeover of Medicaid administrative responsibilities from counties
- Reform the Early Intervention program to save local governments \$54 million over five years
- Enhance the General Public Health Works program to incentivize performance and reduce the administrative burden on counties

### **Lowering Public Safety Costs**

- Require arbitration panels for police and fire unions to consider a municipality's ability to pay and the constraints of the property tax cap when making awards for fiscally eligible local governments

- Remove the statutory salary requirements for municipal chiefs of police
- Allow municipalities with populations of 10,000 or more to recover the costs of police training from new municipal employers of their trainees
- Allow one district attorney to prosecute identity theft crimes that occur in multiple counties
- Allow intrastate transfers of people sentenced to interim probation supervision
- Provide that the cost of prosecuting inmates who are patients in state mental health facilities shall be borne by the State Department of Corrections and Community Supervision

### **Providing Procurement Flexibility**

- Allow local governments, including school districts, to directly purchase ("piggyback") from Federal General Services Administration Schedule 70 contracts (information technology and telecommunications hardware, software and professional services), Federal General Services Administration e-government and defense supply contracts, county public works contracts, and all state, local, or federal contracts for equipment and supplies that have been competitively bid
- Enable the Office of General Services (OGS) to provide centralized services in the form of purchases of electricity to political subdivisions, including school districts
- Authorize local governments and school districts to award service contracts, including technology contracts, on the basis of "best value"

### **Eliminating Unnecessary Paperwork**

- Ease the signature requirements for the filing of local laws with the Department of State, which will enable the development of an electronic filing system
- Eliminate certain unnecessary or duplicative requirements for filing of certificates and plans with the Division of Housing and Community Renewal

### **Lowering Highway and Transportation Costs**

- Authorize the State Department of Transportation to exchange services, materials, and equipment with local municipalities and public authorities
- Provide local governments with additional flexibility to use their own labor to perform Consolidated Local Street and Highway Improvement Program ("CHIPS") work on projects costing \$100,000 to \$250,000
- Eliminate the requirement that local governments collect and return deposits for copies of plans and specifications for transportation projects

### **Providing Relief to Local Social Services Agencies**

- Authorize counties to make child care subsidy and kinship guardianship payments electronically
- Extend the duration of a foster boarding home license or certificate from one to two years
- Require notification of the local social services department when an incapacitated person dies
- Make permanent the family assessment response (FAR) program, which permits local social service departments, with the State Office of Children and Family Services (OCFS) approval, to use an alternative response to appropriate reports of child abuse and maltreatment, and remove the prohibition on New York City participating

### **Reducing Education Costs**

- Increase the threshold for requiring an internal auditor from school districts with more than 300 students to school districts with more than 1,500 students
- Allow counties to keep all recoveries from local audits of Preschool Special Education providers (instead of 40.5 percent)
- Change the required census of Pre-K children from annually to every two years

- Authorize school boards to enact a policy to provide student transportation based upon patterns of actual ridership
- Ease school building aid penalties for late filing of final cost reports to more appropriate levels
- Provide flexibility in claims auditing by allowing school districts to establish the position of deputy claims auditor to act in the absence of the appointed claims auditor and by allowing school districts with 10,000 or more students to audit samples of claims
- Authorize up to three school districts with fewer than 1,000 students each to share a school superintendent
- Authorize school districts to provide regional transportation services jointly with other districts or BOCES

## **Appendix 2**

### **Part B of Chapter 68 of the Laws of 2013**

LAWS OF NEW YORK, 2013

CHAPTER 68

AN ACT to amend the economic development law, the tax law, the administrative code of the city of New York, the real property tax law and the education law, in relation to establishing the START-UP NY program (Part A); to amend the executive law, in relation to the mandate and regulatory relief council (Part B); and to amend the economic development law and the tax law, in relation to enhancing the excelsior jobs program act (Part C)

Became a law June 24, 2013, with the approval of the Governor. Passed on message of necessity pursuant to Article III, section 14 of the Constitution by a majority vote, three-fifths being present.

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. This act enacts into law major components of legislation for the 2013 legislative session. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART B

Section 1. Section 666 of the executive law, as added by section 2 of subpart H of part C of chapter 97 of the laws of 2011, is amended to read as follows:

§ 666. Mandate **and regulatory** relief council. 1. Definitions. a. "Mandate" means **(i) any requirement that a local government perform or administer any program, project or activity, required or imposed by a state law or state agency that requires a higher level of service for an existing local government program, project or activity; or (ii) any requirement a business must perform in order to do business in New York state.**

b. "Local government" means a county, city, town, village, school district, or special district.

c. "State agency" or "agency" means any state agency, department, office, board, bureau, division, committee, council or office under the direction or control of the executive.

**d. "Business" means any entity doing business in or authorized to operate in the state of New York, including, but not limited to, for-profit and not-for-profit corporations, sole proprietorships, partnerships, and limited liability companies.**

2. Mandate relief council. There is hereby created within the executive department the mandate relief council, which shall be comprised of eleven members as follows: the secretary to the governor, who shall

chair the council, the counsel to the governor, the director of the division of the budget, the secretary of state, and three additional members to be appointed by the governor from among his or her executive chamber staff, two members to be appointed by the temporary president of the senate, and two members to be appointed by the speaker of the assembly.

a. Six members of the council, or their designees in the case of the director of the division of the budget and the secretary of state, shall constitute a quorum.

b. The council shall meet regularly upon the call of its chair and as frequently as its business may require. The members of the council shall serve without compensation but shall receive reimbursement for their reasonable and necessary expenses.

c. The council shall, upon request of a local government or business or one of the members of the council, identify and review mandates that can be eliminated or reformed, and make such other and further inquiries, reports and recommendations as the council may deem necessary and prudent to effectuate its mission of mandate relief. In identifying and determining whether such mandates are unsound, unduly burdensome or costly, the council shall receive and consider public comment about them and shall review them in light of cost-benefit principles and such other and further factors as the council shall deem necessary and prudent. The council shall not make a referral to the governor that a mandate be eliminated or reformed regarding any of the following mandates:

(i) those which are required to comply with federal laws or rules or to meet eligibility standards for federal entitlements;

(ii) those which reapportion the costs of activities between boards of education, counties, and municipalities;

(iii) those which implement provisions of the state constitution; and

(iv) those which the council determines are necessary for the maintenance of the public health or safety of the people of New York state.

d. All votes of the council, and all deliberations and reports of its proceedings shall be open to the public pursuant to article seven of the public officers law.

3. Council actions on regulatory mandates. Upon a determination that a mandate in any regulation, rule or order of any state agency has been imposed upon any local government or business in an unsound, unduly burdensome or costly manner so as to necessitate that it be eliminated or reformed, the council shall have the power to:

a. refer a request by a local government for a review of such regulatory mandate, for petition by such local government for a waiver, modification or repeal of such regulatory mandate pursuant to section two hundred four-a of the state administrative procedure act. In the event the council votes to make such referral on behalf of a local government, the state agency that is charged with reviewing the petition shall provide the technical assistance and support for such local government to properly prepare and submit such petition. In the event that such state agency reviewing the petition of the local government pursuant to section two hundred four-a of the state administrative procedure act does not provide the remedy sought by such local government, the council may hear and consider an appeal of such decision and grant such relief as it deems appropriate, including the making of a referral to the governor for the waiving, modifying or repealing of such regulatory mandate. The council shall adopt procedures by which it shall consider, decide and effectuate the remedies of such appeals consistent with this section.

b. upon a two-thirds vote, refer a regulation to the governor for

repeal or modification, where the council has previously determined that such regulation imposes upon any local government a mandate in an unsound, unduly burdensome or costly manner, so as to necessitate that it be eliminated or reformed. Upon receipt of such referral by the council, the governor shall within sixty days, direct the state agency responsible for the promulgation, repeal or modification of such regulation to effectuate such repeal or modification of the regulation pursuant to the procedures that such agency would otherwise be required to follow under the law, had such agency on its own accord sought to repeal or modify the regulation.

4. Council actions on statutory mandates. The council may, upon a vote of seven members, refer a statute to the governor for repeal or modification, where the council has previously determined that such statute imposes upon any local government or business a mandate in an unsound, unduly burdensome or costly manner, so as to necessitate that it be eliminated or reformed. Upon receipt of the referral by the council, the governor, within sixty days, shall have prepared a governor's program bill, for introduction in both houses of the legislature, to effectuate such repeal or modification of the statute.

5. Local government request. A local government may, by resolution of its governing body, ask the council to review a specific statute, regulation, rule or order of state government to determine whether such statute, regulation, rule or order of state government is an unfunded mandate or is otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed. No local government may make more than three such requests in each calendar year. Upon such review, the council shall, by majority vote, determine whether such mandate has been imposed upon such local government in an unsound, unduly burdensome or costly manner, so as to necessitate that it be eliminated or reformed. A determination of the council shall resolve any dispute regarding whether such a statute, regulation, rule or order constitutes such an unfunded mandate, but shall not be deemed a judicial determination under the law.

6. Appeals. Upon an appeal of a petition previously decided by a state agency pursuant to section two hundred four-a of the state administrative procedure act, the council, upon request of the local government, shall review the state agency's determination and may affirm, modify or reject such determination. Such appeal shall not preclude or limit a local government or any other party with standing from pursuing any right it may have pursuant to a proceeding instituted in accordance with the provisions of article seventy-eight of the civil practice law and rules or any other statute.

7. Reports. The council shall by December fifteenth of each year report to the governor and legislature regarding its activities, and regarding the issues, statutes, regulations, rules and orders which it reviewed, examined, proposed, referred, and/or considered. Such reports, which shall be adopted upon a majority vote of the members of the council, or their designees in the case of the director of the division of the budget or the secretary of state. All reports of the council shall be posted on a publicly accessible website.

8. Assistance of other agencies. To effectuate the purposes of this section, any state agency shall, at the request of the council, provide to the council such facilities, assistance and data as will enable the council to properly carry out its responsibilities and duties.

§ 2. This act shall take effect immediately, provided that the amendments to section 666 of the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed

repealed therewith.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such 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 thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through C of this act shall be as specifically set forth in the last section of such Parts.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS  
**Temporary President of the Senate**

SHELDON SILVER  
**Speaker of the Assembly**

## **Appendix 3**

### **Mandate Review Requests**

## Mandate Review Request #2013080001

**Note:** All information below was provided by the local government/business/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** QUEENSBURY UNION FREE SCHOOL DISTRICT  
**Type of Local Government:** School District  
**County:** WARREN

**Name of Mandate:** Resolution for Advocacy and Mandate Relief

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Mandate Relief (Compounding mandates with multiple citations)

**Description of Mandate:** 1. Reform the state aid distribution system to provide for more equity.  
2. Reform, remove or refuse to create additional unfunded/underfunded state mandates.  
3. Reform the current pension systems and provide employers with relief from unsustainable health benefit costs.

The Queensbury Board of Education has made significant reductions to critical components of the annual school budget as rising costs outpaced revenue. Queensbury has reduced 75 staff positions (13.4% of staff) since 2009. Queensbury has reduced classes at the elementary, middle, and high schools. Queensbury has reduced services for students at all grade levels. The reductions came out of the need to create a balanced budget despite the imbalance between expenditures and revenue.

This disturbing trend must be addressed and immediate action must be taken to prevent long-term negative effects on the quality of public education for Queensbury children. The Queensbury UFSD Board of Education calls on the New York State Legislaure and Governor Andrew Cuomo to take immediate action.

**Recommended Change:** 1. Reform the state aid distribution system to provide for more equity.  
2. Reform, remove or refuse to create additional unfunded/underfunded state mandates.  
3. Reform the current pension systems and provide employers with relief from unsustainable health benefit costs.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$5,787,053.00

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** \$3,482,053 2012-13 GEA bottom line state aid reduction.

\$ 460,000 2013-14 Step Increase mandated by Triborough Amendment.

\$ 895,000 2013-14 Increase in ERS/TRS Pension Contributions

\$ 950,000 2013-14 Increase in Health Ins. Premium Payments



Douglas W. Huntley, Ed.D.  
Superintendent of Schools

Theresa Middleton  
Assistant Superintendent for  
Curriculum & Instruction

John S. DeSanto  
Assistant Superintendent  
for Business

Amy Georgeadis  
Director of Human Resources

**RESOLUTION DATED DECEMBER 10, 2012  
QUEENSBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION  
REGARDING ADVOCACY AND MANDATE RELIEF**

WHEREAS, the Queensbury Board of Education has made significant reductions to critical components of the annual school budget as rising costs outpaced revenue; and

WHEREAS, Queensbury has reduced 75 staff positions (13.4 percent of staff) since 2009; and

WHEREAS, Queensbury has reduced classes at the elementary, middle, and high schools; and

WHEREAS, Queensbury has reduced services for students at all grade levels; and

WHEREAS, the reductions came out of the need to create a balanced budget despite the imbalance between expenditures and revenue; and

WHEREAS, this disturbing trend must be addressed; and

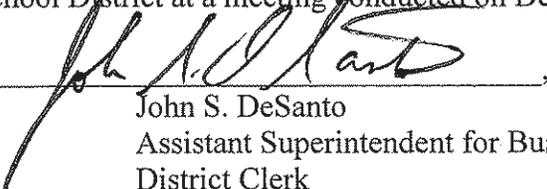
WHEREAS, immediate action must be taken to prevent long-term negative effects on the quality of public education for Queensbury children.

THEREFORE, BE IT RESOLVED that the Queensbury Board of Education calls on the New York State Legislature and Governor Andrew Cuomo to immediately:

- 1. Reform the state aid distribution system to provide for more equity.**
- 2. Reform, remove or refuse to create additional unfunded/underfunded state mandates.**
- 3. Reform the current pension systems and provide employers with relief from unsustainable health benefit costs.**

Motion Carried.

I hereby certify that this Resolution was duly adopted by the Board of Education for the Queensbury Union Free School District at a meeting conducted on December 10, 2012.

By:   
John S. DeSanto  
Assistant Superintendent for Business/  
District Clerk  
December 11, 2012

## Mandate Review Request #2013080002

**Note:** All information below was provided by the local government/business/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Edgemont Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Transportation

**Type of Mandate:** Statute

**Citation for Mandate:** New York Education Law §3635 Transportation

**Description of Mandate:** State Education Law requires that public school districts transport students a distance up to 15 miles as long as parents/guardians make a written request for such transportation before April 1st, a State-imposed deadline.

**Recommended Change:** Reduce mileage limits for private school out-of-district transportation from 15 to 5 miles.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$200,000.00

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** The District looked at schools within a five-mile radius and averages of children attending those schools.

MINUTES OF THE BOARD OF EDUCATION  
REGULAR MEETING  
EDGEMONT UNION FREE SCHOOL DISTRICT  
Edgemont Junior-Senior High School LGI  
March 13, 2012  
8:15 P.M.

Board president Gerald Stoughton, vice-president Tom McCormack, Board members, David Chao, Michaeline Curtis, Anish Nanavaty, David M. C. Stern, and Lisa Wexler were present. Superintendent Nancy Taddiken and Assistant Superintendent Susan Shirken, Mike Curtin, Barry Friedman, Devan Ganeshanathan, and Doron Markus also attended. There were approximately 30 community members present.

Lisa Wexler made a motion to approve the three mandate relief items as listed. David Chao seconded the motion and the motion was approved unanimously.

Mandate Relief Items for Submission to the Governor's Mandate Relief Council for  
2012-2013

Transportation

RESOLUTION

11-502

RESOLVED: That upon the recommendation of the Superintendent of Schools the Board of Education approves Transportation for submission to the Governor's Mandate Relief Council for 2012-2013 as noted below:

Be it resolved by the Edgemont Union Free School District that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit.

**WHEREAS**, New York State leads the nation in local property taxes, in large part because New York leads the nation in imposing unfunded state mandates upon our local municipalities and school districts; and

**WHEREAS**, in response to New York's property tax crisis, the Governor and members of the New York State Legislature enacted legislation imposing a limit on the annual growth of the local school tax levy; and

**WHEREAS**, New York State school districts are under unprecedented funding shortfalls due to three years of frozen Foundation Aid, last year's \$1.2 billion aid cut, expiration of federal stimulus aid and revenue restrictions under the tax levy limit, which goes into effect for the 2012-2013 school year, and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of local public school districts, and a property tax levy limit without significant mandate reform will inescapably lead to drastic cuts in essential local school district programs and services, as well as significant layoffs of school district employees, and in some cases outright insolvency, in New York State school districts; and

**WHEREAS**, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from our school district's top priority of student learning,

**THEREFORE, BE IT RESOLVED,**

That we the members of the Board of Education of the Edgemont Union Free School District join fellow school board members in Westchester and Putnam Counties in affirming the obligation of the Governor of the State of New York and the members of the New York State Senate and New York State Assembly, to reform mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Edgemont Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandate to determine whether the specific statute, regulation, rule or order of state government is an unfunded mandate or is otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed:

Reduce mileage limits for private school out-of-district transportation from 15 to 5 miles.

New York Education – Part 3 - §3635 Transportation

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester and Putnam Counties.

## Mandate Review Request #2013080003

**Note:** All information below was provided by the local government/business/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Edgemont Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Fiscal Reform

**Type of Mandate:** Statute

**Citation for Mandate:** Section 521 of Education Law.

**Description of Mandate:** School Districts are not permitted to establish TRS reserve funds.

**Recommended Change:** Allow school districts to establish a TRS reserve fund.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$None

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Not Applicable

MINUTES OF THE BOARD OF EDUCATION  
REGULAR MEETING  
EDGEMONT UNION FREE SCHOOL DISTRICT  
Edgemont Junior-Senior High School LGI  
March 13, 2012  
8:15 P.M.

Board president Gerald Stoughton, vice-president Tom McCormack, Board members, David Chao, Michaeline Curtis, Anish Nanavaty, David M. C. Stern, and Lisa Wexler were present. Superintendent Nancy Taddiken and Assistant Superintendent Susan Shirken, Mike Curtin, Barry Friedman, Devan Ganeshanathan, and Doron Markus also attended. There were approximately 30 community members present.

Lisa Wexler made a motion to approve the three mandate relief items as listed. David Chao seconded the motion and the motion was approved unanimously.

Mandate Relief Items for Submission to the Governor's Mandate Relief Council for  
2012-2013

Fiscal Reform

RESOLUTION

11-503

RESOLVED: That upon the recommendation of the Superintendent of Schools the Board of Education approves Fiscal Reform for submission to the Governor's Mandate Relief Council for 2012-2013 as noted below:

Be it resolved by the Edgemont Union Free School District that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit.

**WHEREAS**, New York State leads the nation in local property taxes, in large part because New York leads the nation in imposing unfunded state mandates upon our local municipalities and school districts; and

**WHEREAS**, in response to New York's property tax crisis, the Governor and members of the New York State Legislature enacted legislation imposing a limit on the annual growth of the local school tax levy; and

**WHEREAS**, New York State school districts are under unprecedented funding shortfalls due to three years of frozen Foundation Aid, last year's \$1.2 billion aid cut, expiration of federal stimulus aid and revenue restrictions under the tax levy limit, which goes into effect for the 2012-2013 school year, and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of local public school districts, and a property tax levy limit without significant mandate reform will inescapably lead to drastic cuts in essential local school district programs and services, as well as significant layoffs of school district employees, and in some cases outright insolvency, in New York State school districts; and

**WHEREAS**, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from our school district's top priority of student learning,

**THEREFORE, BE IT RESOLVED,**

That we the members of the Board of Education of the Edgemont Union Free School District join fellow school board members in Westchester and Putnam Counties in affirming the obligation of the Governor of the State of New York and the members of the New York State Senate and New York State Assembly, to reform mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Edgemont Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandate to determine whether the specific statute, regulation, rule or order of state government is an unfunded mandate or is otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed:

Allow School Districts to establish TRS Reserve Fund  
Section 521 of Education Law

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester and Putnam Counties.

## Mandate Review Request #2013080004

**Note:** All information below was provided by the local government/business/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Edgemont Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Special Education

**Type of Mandate:** Statute

**Citation for Mandate:** New York State Law regulations and policy not required by Federal Law.

**Description of Mandate:** New York State has 204 special education mandates that exceed Federal Law. The number of mandates could be reduced without compromising special education services.

**Recommended Change:** Align special education mandates with Federal Law.

**Estimated Savings from the Recommended Change to the Local Government:** Across-budget savings are estimated to be substantial.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Review of budget categories.

MINUTES OF THE BOARD OF EDUCATION  
REGULAR MEETING  
EDGEMONT UNION FREE SCHOOL DISTRICT  
Edgemont Junior-Senior High School LGI  
March 13, 2012  
8:15 P.M.

Board president Gerald Stoughton, vice-president Tom McCormack, Board members, David Chao, Michaeline Curtis, Anish Nanavaty, David M. C. Stern, and Lisa Wexler were present. Superintendent Nancy Taddiken and Assistant Superintendent Susan Shirken, Mike Curtin, Barry Friedman, Devan Ganeshanathan, and Doron Markus also attended. There were approximately 30 community members present.

Lisa Wexler made a motion to approve the three mandate relief items as listed. David Chao seconded the motion and the motion was approved unanimously.

Mandate Relief Items for Submission to the Governor's Mandate Relief Council for  
2012-2013

Special Education

RESOLUTION

11-504

RESOLVED: That upon the recommendation of the Superintendent of Schools the Board of Education approves Special Education for submission to the Governor's Mandate Relief Council for 2012-2013 as noted below:

Be it resolved by the Edgemont Union Free School District that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit.

**WHEREAS**, New York State leads the nation in local property taxes, in large part because New York leads the nation in imposing unfunded state mandates upon our local municipalities and school districts; and

**WHEREAS**, in response to New York's property tax crisis, the Governor and members of the New York State Legislature enacted legislation imposing a limit on the annual growth of the local school tax levy; and

**WHEREAS**, New York State school districts are under unprecedented funding shortfalls due to three years of frozen Foundation Aid, last year's \$1.2 billion aid cut, expiration of federal stimulus aid and revenue restrictions under the tax levy limit, which goes into effect for the 2012-2013 school year, and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of local public school districts, and a property tax levy limit without significant mandate reform will inescapably lead to drastic cuts in essential local school district programs and services, as well as significant layoffs of school district employees, and in some cases outright insolvency, in New York State school districts; and

**WHEREAS**, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from our school district's top priority of student learning,

**THEREFORE, BE IT RESOLVED,**

That we the members of the Board of Education of the Edgemont Union Free School District join fellow school board members in Westchester and Putnam Counties in affirming the obligation of the Governor of the State of New York and the members of the New York State Senate and New York State Assembly, to reform mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Edgemont Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandate to determine whether the specific statute, regulation, rule or order of state government is an unfunded mandate or is otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed:

NYS has 204 special education mandates that exceed Federal law. The number of mandates could be reduced without compromising special education services.

SED Document: *New York State Law, Regulations and Policy Not Required by Federal Law/Regulation/Policy (Revised January 2011)*;

<http://www.p12.nysed.gov/specialed/publications/partb-analysischart.htm>

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester and Putnam Counties.







# MANDATE *Relief* COUNCIL

Annual Report to the Governor and the Legislature

December 2013