

Local Law Filing

(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 City Town Village

(Select one:)

of The City of Albany

FILED
STATE RECORDS

MAR 25 2021

Local Law No. 5 of the year 2021

DEPARTMENT OF STATE

LOCAL LAW G of 2018

A LOCAL LAW AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW PART 39 ENTITLED "CITY OF ALBANY COMMISSION ON MUNICIPAL INTERNET SERVICE" AND PROVIDING FOR THE RESPONSIBILITIES OF THE COMMISSION WITH RESPECT TO RESEARCHING THE LOGISTICS AND FINANCING OF A CITY OWNED HIGH SPEED INTERNET SERVICE. AND REQUIRING THE COMMISSION TO MAKE FINDINGS AND RECOMMENDATIONS TO THE MAYOR AND THE COMMON COUNCIL REGARDING THE CREATION OF SUCH INFRASTRUCTURE

Be it enacted by the Albany Common Council

(Name of Legislative Body)

County City Town Village

(Select one:)

of the City of Albany as follows:

LOCAL LAW G of 2018

A LOCAL LAW AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW PART 39 ENTITLED " CITY OF ALBANY COMMISSION ON MUNICIPAL INTERNET SERVICE " AND PROVIDING FOR THE RESPONSIBILITIES OF THE COMMISSION WITH RESPECT TO RESEARCHING THE LOGISTICS AND FINANCING OF A CITY OWNED HIGH-SPEED INTERNET SERVICE. AND REQUIRING THE COMMISSION TO MAKE FINDINGS AND RECOMMENDATIONS TO THE MAYOR AND THE COMMON COUNCIL REGARDING THE CREATION OF SUCH INFRASTRUCTURE

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

Section 1. Chapter 42 of the Code of the City of Albany is hereby amended by adding thereto a new Part 39 to read as follows:

PART 39 CITY OF ALBANY COMMISSION ON MUNICIPAL INTERNET SERVICE

Section 42-381. Legislative Intent.

The mission of the commission is to research the feasibility, logistics, and financing of creating a municipally-run, citizen-owned high speed internet service that will provide internet speeds far greater than what private companies currently provide and ensure such service will be made available to every Albany resident and business, regardless of income level or geographic location in the City.

Creating high-speed, reliable, affordable, and citizen-owned internet service has shown to be a major economic boost in municipalities where such infrastructure exists. Providing this service would also serve as a significant benefit in every neighborhood in Albany, particularly in neighborhoods where unemployment and poverty rates are high. Affordable, reliable internet access gives individuals, among a host of other benefits, the ability to more easily search for employment, work from their homes, and take online higher education courses.

The marketplace for internet access lacks any true competition. Residents are faced with expensive plans that provide sub-par internet speeds. Chattanooga, Tennessee serves a model for municipally-run internet service. That city's average download speed is over 100 megabytes per second. In Albany, the average download speed is a little over 20 megabytes per second. Establishing a successful citizen-owned internet service would be an enormous help to attracting new small businesses and residents to Albany, which means a significant increase of our tax base, more thriving commercial centers, and give Albany a major competitive advantage over surrounding municipalities.

With significant economic and community development opportunity in mind, the Common Council determines it to be sound public policy and advisable to establish the " City of Albany Commission on Municipal Internet Service " for the purpose of researching all the necessary elements of creating a municipal internet service and make meaningful recommendations to City Government in order to seize upon this opportunity and move towards quality internet for all.

Section 42-382. Establishment of Commission.

The Common Council hereby establishes the City of Albany Commission on Municipal Internet Service.

Section 42-383. Membership; Term; Vacancies.

A. The Commission shall consist of ten members with five members to be appointed by the Common Council and five members to be appointed by the Mayor. Vacancies shall be filled in the same manner as the original appointment.

B. The appointing authorities shall strive to include a mixture of appointees who are knowledgeable of efforts by other municipalities to successfully create municipally-run high speed internet services, have a background in finance, have a background in economic development, and/or have a background in information technology, or other fields the appointing authorities believe are crucial to the success of the Commission.

C. The commission shall appoint a chair through a majority vote of commission members.

D. The Commission shall cease to exist six months following the submission of the final report to the Mayor and Common Council. Members shall serve without compensation and at the pleasure of their appointing authority.

Section 42-384. Powers and duties.

A. The Commission shall submit a preliminary report to the Common Council and the Mayor within one hundred twenty days after all appointments of members have been made by the appointing authorities. Such report shall detail the Commission ' s findings as outlined in this section. The Commission shall submit its final written report to the Common Council and the Mayor within one hundred fifty days of the date it submitted its preliminary report. Such final report shall be detailed in its scope and shall identify the work engaged in by the Commission in fulfillment of the charges imposed upon it pursuant to such section. The report shall further include its findings, determinations and recommendations, including but not limited to, any recommendations the Commission has determined necessary for the enactment or amendment of local or state law as may be necessary to accomplish any of its recommendations.

B. The report of the Commission shall providing findings with regard to the following topics:

1. The costs and benefits associated and logistical requirements with creating a municipal internet service;
2. Consideration of how other municipalities have created their municipal internet services;
3. Identification of all necessary or advisable City and State legislation;
4. Development of an ideal model of a municipal internet service;
5. Review all available options that would minimize financial cost of creating such infrastructure;
6. Suggest partnerships, as the Commission deems worthwhile, with current city businesses, not-for-profits, higher education institutions, the city's grade schools and public libraries, and other municipalities to maximize the potential and implementation of a municipal internet service;
7. Any other topics the Commission feels necessary to address in the spirit of successfully establishing a municipal internet service.

Section 42-385. Assistance to the Commission.

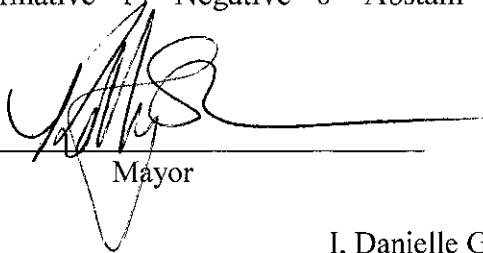
The Commission shall have the power to request documents, conduct public hearings, hear testimony of witnesses, and take any other action it deems necessary to carry out its functions. Every department, office, division, agency or public authority of this city shall cooperate to the full extent possible with the Commission and furnish such information and assistance as the Commission determines is reasonably necessary to accomplish its purpose in a timely fashion.

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

** Local Law G of 2018 was co-sponsored by Council Members Balarin, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough and O'Brien*

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

Affirmative 14 Negative 0 Abstain 0



Mayor

March 9, 2021

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Local Law G of 2018 was passed at a meeting of the Albany Common Council on February 18, 2021.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 9th day of March 2021.



Clerk of the Common Council

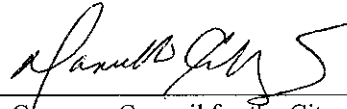
2. Passed by the local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No 5 of 2021 of The City of Albany was duly passed by the City of Albany Common Council on February 18th, 2021, in accordance with the provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

(If any other **authorized form of final adoption has been** followed, please **provide an appropriate certification.**)

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, (not applicable) above.



Clerk of the Common Council for the City of Albany

Date: March 9th, 2021