

# THE ACCORD

July 2009

**June 8, 2009, 10:00am:** The YMCAs of New York State staff develops a final strategy for the remainder of the legislative session.

**June 8, 2009, 3:00pm:** NYS Senate Republicans joined by Senators Pedro Espada and Hiram Monserrate vote to change the ruling majority back to the Republican Party in a coup of the Senate Democratic Majority and Malcolm

Smith. This gives the Republicans a 32 vote majority. Senator Espada is voted in as "Temporary President of the Senate" and Republican Dean Skelos as Majority Leader.

**June 10, 2009:** While the new 'coalition leadership' of the State Senate with 30 Republicans and 2 Democrats plan to hold session, they find themselves scrambling to keep the coalition intact and fail to open the Senate Chamber in order to hold a formal session. While Senator Monserrate is rumored to be going back to caucus with his Democratic colleagues, Republican leadership states that the coalition is still intact and may even grow to include more Democratic Senators.

Meanwhile, Senator Malcolm Smith and his Democratic supporters continue to claim that the power change that happened on Monday the 8th is invalid and are looking to a legal remedy to give them back control of the Senate.

**June 11, 2009:** The Senate Democrats fail to get a court order injunction to prevent the Senate Chamber from being



Senators Smith, Sampson, Skelos and Espada try to explain the Senate's lack of action following a closed door negotiation that led nowhere. Photo by Martin Benjamin of NY Daily News

opened by Republicans. The 32 member coalition conference held session for about 30 minutes but could not take any action on bills because their desks that hold the session details and bills were still locked.

**June 15, 2009:** Hiram Monserrate decides to go back to caucus with his fellow Senate Democrats. This move leaves a 31 to 31 vote dead-

lock and without a Lt Governor in office to vote to break a tie, official business by the Senate is stalled for the time being. A decision on 'who is in control' may be made in court.

**June 22, 2009:** The scheduled last day of the 2009 regular legislative session before the summer recess. However, due to the developments of the last two weeks in the State Senate, the Senators will likely be in Albany all week and perhaps longer. The State Assembly has been working and approving bills and delivering them to the Senate, which does not have a quorum.

Governor Paterson continues to attempt to mediate the situation in the Senate, unsuccessfully. Paterson states that he will exercise his authority to call a Special Session of the Legislature, which mandates that all lawmakers be present and allows the Governor to set the schedule of bills for action. There are several important laws (such as extending sales tax authority to several counties; Power for Jobs; Mayoral control of NYC schools; etc), that sunset on June 30<sup>th</sup>. The outlook for resolution is increasingly bleak.

## A Note from the Director



Kyle Stewart

"What just happened?" That's the question that I kept asking myself (and anyone else within earshot) since June 8th. While that date will certainly not go down in history as: "where were you when..." for most people, it was an interesting and significant time for our State Government. "What will happen next?" will most likely be the question that I ask myself throughout 2009 as the issue of Lt. Governor and the Senate's control still isn't over

## Page 2: Senator Schumer at the Y!



Advocacy



Helping The YMCA



New Yorkers Volunteer is Governor David A. Paterson's statewide service initiative to engage all New York State residents in meaningful volunteer activities. This interactive site is designed to help individuals find opportunities to volunteer across the State and to enhance the recruitment capabilities for so many of New York's community organizations. Opportunities to volunteer at the YMCA are listed on the site! Visit the site at:

<http://www.newyorkersvolunteer.ny.gov>

## Senator Schumer introduces the *Child Protection Act* at YMCAs



*Senator Schumer at the Guilderland branch of the Capital District YMCA*

"Existing laws fail to protect children from out-of-state sexual predators," said U.S. Senator Charles E. Schumer as he visited YMCAs in the Capital Region and New York City to introduce and promote legislation expanding the availability of federal criminal background checks.

Currently, because of a "Gaping hole in the federal law," children's groups and youth organizations cannot locate records of sexual

crimes committed in another state in the New York State database, according to Sen. Schumer's office.

Schumer's legislation would give YMCAs and other children's organizations access to FBI databases, which are considered to be the most accurate and complete, to check for any violent or sex crime committed anywhere in the country, regardless of where it is committed and whether it is a state or federal crime.

"There is nothing more important than protecting children from dangerous predators," Schumer said.

YMCA of Greater New York President Jack Lund stated: "With criminal background checks, the YMCA of Greater

New York conducts a search of databases for every state and county an applicant has ever lived or worked in. The resources Senator Schumer proposes will both streamline the process with the most extensive information available and reduce the costs to organizations like the YMCA."

Schumer's aim with the Child Protection Improvements Act of 2009 is to create a permanent, nationally accessible background check solution for youth serving organizations.

The Act would ensure organizations access to both national and state criminal databases as well keep the cost of background checks at \$25 or lower.

Senator Schumer is joined by several other Senators in this bipartisan legislation. Schumer's legislation has been endorsed by: Afterschool Alliance, American Camp Association, America's Promise Alliance, Big Brothers Big Sisters of America, Boys & Girls Clubs of America, Camp Fire USA, Communities In Schools, Inc., First Focus, MENTOR/National Mentoring Partnership, National Collaboration for Youth, and YMCA of the USA. Additional support continues to grow across the country for this important bill.



*Senator Schumer at the West Side branch of the YMCA of Greater New York*



## YMCA Leads List of 100 Charities With Strongest Brands

The YMCA has the strongest brand among charities, according to a new report by the marketing firms Cone and Intangible Business. Perhaps not surprisingly, charities that work in the United States to meet basic needs dominated the list, which was calculated in part based on a phone survey of 1,000 people that took place in July of last year. The size of nonprofit groups' budgets, their potential for future growth, how many volunteers they have, and the amount of news-media coverage they receive were among other factors that determined charities' rank. (As reported in *The Chronicle of Philanthropy*)

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**June 23, 2009:** Democrats and Republicans, both having 31 votes, claim that their 'sessions' were legal and binding. However, the issues of legitimacy, quorum roll call and votes are in still in question.

**June 24, 2009:** The Senate Democrats held Special Session at 3PM and immediately declared that since the Assembly was not also in Special Session, anything they do would be invalid according to the State Constitution. Therefore, they adjourned without action on any bills. Senator Espada, Senator Diaz and none of the Republican Senators were present

**June 25, 2009:** Following a legal threat by Governor David Paterson, state senators from both sides of the political aisle have agreed to be on hand this afternoon when they convene for yet another special session inside the State Capitol.

**June 29, 2009:** The Supreme Court of New York grants the Governor his motion to compel all 62 Senators to be present at Special Session at 10:00 a.m. tomorrow morning.

**June 30, 2009:** While Senate Republicans await the latest court battle at the State Court of Appeals hearing set for 3PM today, Senate Democrats are "passing bills with a quorum of 32 votes in the affirmative" because Republican Senator Frank Padavan walked through the Senate chamber as the Democrats were opening their session. Journal clerks (who work for the Democrats) counted him as present, giving them 32 Senators in the chamber at the time they gavelled in. He technically does not need to be in the chamber during action on the non-controversial calendar in order to be considered voting in the affirmative. Senator Padavan claims that if the Democrats try to validate these bills and submit them to the Governor for his signature, that the Senate Democrats would be committing fraud.

**July 3, 2009:** Comptroller Tom DiNapoli orders his staff to cancel the paychecks of the quarrelling senators and asks that the court to back up his decision.

**July 8, 2009:** Governor Paterson holds a televised address during which he appoints Richard Ravitch, former Chair of the NYC Metropolitan Transportation Authority (MTA) and author of the recent MTA Commission's bailout plan, as Lieutenant Governor.

Paterson is doing this despite a recent declaration from Attorney General Cuomo that such an act is unconstitutional.

Furthermore, this is the day that the Senators would normally be paid if their checks were not withheld.

**July 9, 2009:** Democrat Senator Espada returns to his Democrat colleagues and gains the title and position of Majority Leader. Senator Smith retains the title of Temporary President of the Senate but will be succeeded by Senator John Sampson at an indeterminate time in the future.

The State Senate began passing bills without claims of illegality for the first time since June 8th. 135 bills are passed including sales tax extenders for several counties, Power for Jobs and other technical clean-up bills.



Self-described *Three Amigos*; Senators Kruger, Diaz & Espada; celebrate Espada's return to the Democrats. Photo by NY Daily News

**July 16, 2009:** The Senate continues to convene, muddling through their calendars of bills. Both the Senate and Assembly are expected back in Albany this summer to deal with the growing State Budget shortfall.

The question of the legality of the appointment of Richard Ravitch as Lieutenant Governor is still unanswered.

## Legislation passed on behalf of The Watertown Family YMCA

Home rule legislation sponsored by State Senator Darrel Aubertine and Assemblywoman Addie Russell was signed into law on June 11, 2009 by Governor David A. Paterson, clearing the way for the Watertown Family YMCA to officially take over the former Ultimate Goal facility at the Alex T. Duffy Fairgrounds in Watertown.

The legislation clears the way for the YMCA to provide an array of beneficial programs and services at the site by authorizing the city of Watertown to

enter into a lease agreement with the YMCA for the land beneath the building, ultimately allowing the YMCA to purchase the facility. In 1998, the City of Watertown leased five acres of the 62-acre fairgrounds off Coffeen Street in Watertown to create an indoor sports complex, which the Family YMCA took over in May 2006. The YMCA intends to make significant capital improvements which will allow it to continue providing the City, its families and residents with first class recreational activities.

Due to politics, the bill was held up during the 2008 session. However, thanks to the persistence of our lawmakers on the part of the YMCA, the Watertown YMCA can now move forward with their plans. "The YMCAs of New York State thanks Senator Aubertine and Assemblywoman Russell for their dedication and leadership efforts to achieve passage of this important legislation," stated Kyle A. Stewart, Executive Director of the YMCAs of New York State.