



State of New York

Executive Order

No. 179

EXECUTIVE ORDER

ESTABLISHING THE NEW YORK STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

WHEREAS, the citizens of New York State have a long history of voluntary service to their communities and their fellow citizens;

WHEREAS, the State of New York has always encouraged and assisted its citizens in their efforts to fulfill this civic responsibility, including through the past and present efforts of the New York Voluntary Enterprise Commission and the Governor's Office for Voluntary Service;

WHEREAS, a strong partnership has emerged between the State of New York and the many individual volunteers and volunteer organizations that are helping individuals in need throughout the State;

WHEREAS, a continuation and strengthening of this partnership, in addition to expanding and improving the assistance provided to those in need, will help to increase the number of individuals who are able to take part in community service activities and who are able to benefit from the rewards that these experiences provide;

WHEREAS, the federal government has recently enacted the National and Community Service Trust Act of 1993, which is intended to help address the unmet human, educational, environmental and public safety needs of the United States through the expansion of national and community service activities; and

WHEREAS, participation by the State of New York in the programs established and expanded by this new law, through the creation of a New York State Commission on National and Community Service will provide benefits to the State, municipalities, Indian nations, public and private non-profit organizations, institutions of higher learning and individual citizens;

NOW, THEREFORE, I, MARIO M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follow:

I. CREATION OF COMMISSION

There is hereby established the New York State Commission on National and Community Service. It shall consist of between fifteen and twenty-five voting members selected by the Governor.

II. MEMBERSHIP

A. Voting and Non-Voting Members

1. The Commission shall include as voting members at least one of each of the following individuals:

a. an individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;

- b. an individual with experience in promoting the involvement of older adults in service and voluntarism;
- c. a representative of community-based agencies or community-based organizations within the State;
- d. the Commissioner of Education or the Commissioner's designee;
- e. a representative of local governments in the State;
- f. a representative of local labor organizations in the State;
- g. a representative of business;
- h. an individual between the ages of sixteen and twenty-five who is a participant or supervisor in a program; and
- i. a representative of a national service program described in section 122(a) of the Federal National and Community Service Act of 1990 (the "Act"), such as a youth corps program described in section 122(a)(2) of the Act.

2. The Commission may also include as voting members the following individuals:

- a. members selected from among local educators;
- b. members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons;
- c. representatives of Indian nations;
- d. members selected from among out-of-school youth or other at-risk youth; and
- e. representatives of entities that receive assistance under the federal Domestic Volunteer Service Act of 1973.

3. The number of voting members of the Commission who are officers or employees of New York State may not exceed twenty-five percent (reduced to the nearest whole number) of the total membership of the Commission.

4. The voting members of the Commission shall elect one of the voting members to serve as chairperson of the Commission. The voting members of the Commission may also elect such other officers as the Commission shall deem appropriate and necessary to carry out the functions and duties of the Commission.

5. The employee of the Corporation for National and Community Service (the "Corporation") who has been designated to serve as the representative of the Corporation in New York State pursuant to section 137(c) of the Act shall serve as a non-voting member of the Commission. In addition, the Governor may appoint, as ex officio non-voting members of the Commission, representatives selected from among officers and employees of State agencies and authorities operating community service, youth service, education, social service, senior service, and job training programs.

6. The membership of the Commission, to the maximum extent practicable, shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than fifty percent of the voting members of the Commission, plus one additional voting member, may be from the same political party.

B. Terms and Compensation

1. Each member of the Commission shall serve for a term of three years, except that the Governor shall initially appoint a portion of the members to terms of one year and two years. If a vacancy occurs on the Commission, a new member shall be appointed by the Governor and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

2. A member of the Commission shall not receive any additional compensation by reason of service on the Commission, but shall be eligible for reimbursement of travel expenses, including a per diem in lieu of subsistence, as determined by and subject to the approval of the Director of the Budget.

C. Limitation on Member Participation

1. Except as provided in section II(C)(2) of this Order, a voting member of the Commission shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in section III(A)(7) of this Order if:

a. a grant application relating to such program is pending before the Commission; and

b. the application was submitted by a program or entity of which such member is, or in the one-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

2. If, as a result of the operation of section II(C)(1) of this Order, the number of voting members of the Commission is insufficient to establish a quorum for the purpose of administering such program, then voting members excluded from participation by such section II(C)(1) may participate in the administration of such program, notwithstanding the limitation in such section II(C)(1), to the extent permitted by regulations issued under section 193A(b)(11) of the National and Community Service Act of 1990 by the Corporation.

3. Section II(C)(1) of this Order shall not be construed to limit the authority of any voting member of the Commission to participate in:

a. discussion of, and hearings and forums on: (i) the general duties, policies, and operations of the Commission; or (ii) the general administration of such program; or

b. similar general matters relating to the Commission.

III. DUTIES

A. General Duties

The Commission shall be responsible for the following duties:

1. Preparation of a three-year national service plan for New York State that is updated annually and:

a. is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from national service programs within New York State and other interested members of the public;

b. ensures outreach to diverse community-based agencies that serve underrepresented populations, by: (i) using established networks, and registries, at the State level; or (ii) establishing such networks and registries; and

c. contains such information as the Commission considers to be appropriate or as may be required by the Corporation.

2. Preparation of the applications for financial assistance of New York State under sections 117D and 130 of the Act, assistance in the preparation of the application of the State Education Department for assistance under section 113 of the Act, and preparation of the application of New York State under section 130 of such act for the approval of service positions that include the national service educational award described in subtitle D of the Act;

3. Recommendations to the Corporation with respect to priorities for programs receiving assistance under the Federal Domestic Volunteer Service Act of 1973;

4. Technical assistance to enable applicants for assistance under section 121 of the Act: (a) to plan and implement service programs; and (b) to apply for assistance under the federal national service laws using, if appropriate, information and materials available through a clearinghouse established under section 190A of the Act;

5. Assistance in the provision of health care and child care benefits under section 140 of the Act to participants in national service programs that receive assistance under section 121 of the Act;

6. Development of a State system for the recruitment and placement of participants in programs that receive assistance under the national service laws and dissemination of information concerning national service programs that receive such assistance or approved national service positions;

7. Administration of the grant program in support of national service programs that is conducted by New York State using assistance provided to New York State under section 121 of the Act, including selection, oversight, and evaluation of grant recipients;

8. Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation for National and Community Service (to be made available in a case in which such a program requests such a project, method, material, or activity) or from New York State using assistance provided under section 121 of the Act, for use by programs that request such projects, methods, materials, and activities; and

9. Performance of such other functions and duties as shall be necessary for the accomplishment of the goals and requirements of the Act and the National and Community Service Trust Act of 1993, including such functions and duties as may be authorized by the Governor or by federal law.

B. Limitation and Delegation of Activities

1. The Commission may not directly carry out any national service program that receives assistance under section 121 of the Act.

2. The Commission, subject to such requirements as the Corporation for National and Community Service may provide, may delegate non-policy-making duties to the Governor's Office for Voluntary Service.

C. Coordination with State Agencies and Volunteer Programs

1. The Commission shall coordinate its activities with the activities of other State agencies and authorities that administer federal financial assistance programs under the federal Community Services Block Grant Act or other appropriate federal financial assistance programs.

2. The Commission shall coordinate its functions (including recruitment, public awareness, and training activities) with such functions of any division of the federal ACTION program, or of the Corporation, that carries out volunteer service programs in New York State. In coordinating such functions, the Commission and such division may enter into an agreement to: (a) carry out such a function jointly; or (b) assign responsibility for such a function to the Commission or to the division. The Commission and the head of any such division shall exchange information about the programs carried out in New York State by the Commission or division, as appropriate, and the opportunities to coordinate activities.

IV. MISCELLANEOUS MATTERS

A. Operating Procedures

The Commission shall establish such internal operating procedures, including quorum requirements and procedures governing the location and frequency of meetings, as the Commission shall deem appropriate and necessary to carry out the functions and duties of the Commission.

B. Advisory Board to the Office for Voluntary Service

The Commission shall be the successor to the Advisory Board to the Governor's Office for Voluntary Service, which was established by Executive Order Number 101. Upon the appointment of the members of the Commission, the Advisory Board shall be deemed abolished and superseded, and all functions, duties and records of the Advisory Board shall be transferred to the Commission.

C. Assistance to Commission

1. There is hereby created an Advisory Committee to the Commission, which shall provide such assistance and advice to the Commission as shall be deemed appropriate and necessary. Members of the Advisory Committee shall be appointed by and serve at the pleasure of the Governor and shall serve without compensation.

2. The Governor's Office for Voluntary Service shall undertake such non-policymaking duties for the Commission as the Commission shall determine and subject to such requirements as the Corporation may provide.

3. Every department, division, board, bureau, agency and political subdivision of the State shall cooperate with the Commission to assist the Commission in the accomplishment of its duties.

G I V E N under my hand and the Privy Seal of
the State in the City of Albany
this thirtieth day of December
in the year one thousand nine
hundred ninety-three.

L.S.

BY THE GOVERNOR, /s/ Mario M. Cuomo

/s/ Andrew J. Zambelli
Secretary to the Governor