



**COMMON COUNCIL MEETING  
HUMAN RESOURCES AND HUMAN RIGHTS  
Jahmel Robinson, Chair**

**DATE:** MONDAY, MAY 12, 2025

**TIME:** 5:30PM

**LOCATION:** Council Chambers-2nd Floor, City Hall

**LIVESTREAM:** YouTube— <https://www.youtube.com/@albanycommoncouncil>  
Facebook— <https://www.facebook.com/albany.commoncouncil>

**TOPICS OF DISCUSSION:**

- **ORDINANCE 26.61.23**  
AN ORDINANCE AMENDING CHAPTER 48 (EQUAL OPPORTUNITY PROTECTIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXPANDING THE SCOPE OF MINORITY AND WOMEN-OWNED AND CONTROLLED BUSINESSES

**PUBLIC COMMENT PERIOD: YES**

**Council Member Kimbrough and Romero introduced the following:**

**ORDINANCE 26.61.23**

**AN ORDINANCE AMENDING CHAPTER 48 (EQUAL OPPORTUNITY PROTECTIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXPANDING THE SCOPE OF MINORITY AND WOMEN-OWNED AND CONTROLLED BUSINESSES**

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

**Section 1.** Section 48-12 (Definitions) and Section 48-13 (Structure of minority- and women-owned and -controlled business) of Article II (Minority- and Women-Owned Business Enterprise Program and Minority- and Women-Owned Labor Utilization Plan) of Chapter 48 (Equal Opportunity Protections) of Part I (Administrative Legislation) are amended to read as follow:

**§ 48-12 Definitions.**

For the purpose of this program, the following definitions shall govern the management and direct implementation of program guidelines for minority- and women-owned business enterprises (MWOBE) and the Minority and Women Labor Utilization Plan (MWLUP):

**MINORITY- AND WOMEN-OWNED AND -CONTROLLED BUSINESS**

An established, profit-making enterprise, firm or corporation owned, controlled and operated with a minimum of 51% of all vested ownership and management benefits held by citizens and/or permanent residents who are women or a member of one of the following groups: citizens and/or permanent residents identified as minority and defined as such by the United States Department of Commerce, United States Department of Labor:

- A. Black persons not of Hispanic origin: persons having origins in any of the black racial groups of Africa.
- B. Hispanic persons: persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture of origin, regardless of race.
- C. Asians or Pacific islanders: persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific islands. This area includes, for example, China, Japan, Korea, the Philippine islands and Samoa.
- D. American Indians or Alaskan natives: persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

**PROFESSIONAL SERVICES**

Any practice as set forth in Section 1201(b) of the New York Limited Liability Company Law, which includes but is not limited to:

A. Attorney and counselor at law;

B. Licensed physician

C. Those occupations designated in title eight of the Education Law, which include the following:

(1) acupuncture;

(2) architecture;

(3) athletic training;

(4) audiology;

(5) certified shorthand reporting;

(6) chiropractic;

(7) dentistry;

(8) dietetics and nutrition;

(9) engineering;

(10) interior design;

(11) land surveying;

(12) landscape architecture;

(13) massage therapy;

(14) medical physics;

(15) medicine;

(16) midwifery;

(17) nursing;

(18) occupational therapy;

(19) ophthalmic dispensing;

- (20) optometry;
- (21) pharmacy;
- (22) physical therapy;
- (23) podiatry;
- (24) psychology;
- (25) public accountancy;
- (26) respiratory therapy;
- (27) social work;
- (28) speech-language pathology; and
- (29) veterinary medicine.

**§ 48-13 Structure of minority- and women-owned and -controlled business.**

- A. The minority or women ownership of such business is a profit-making venture engaging in and capable of continuous engagement in construction/construction-related activity or a professional service and is organized as one of the following:
- (1) Sole proprietorship.
  - (2) Partnership/joint venture: two minority owned; two women owned; or one minority-owned and one women-owned.
  - (3) Joint venture, minority/women, majority contractor (51% to 49% only).
  - (4) Corporation.
- B. The minority or women owner(s) must possess the authority to direct daily business operations and enforce policies of the firm. Specifically, the minority or women owner(s) must exercise routine, ongoing management responsibilities, including but not limited to:
- (1) Sharing in all benefits and liabilities in proportion to invested ownership percentage.
  - (2) Authorizing and processing payrolls and payables.

(3) The authorizing of all personnel actions, hiring, promotion and terminations.

C. If business is certified as a MWBE business by the State of New York, such certification shall be accepted by the City of Albany.

D. If business is certified as a MWBE business by Albany County, such certification shall be accepted by the City of Albany.

**Section 2.** This ordinance shall take effect 30 days after enactment.

**APPROVED AS TO FORM  
THIS 26<sup>TH</sup> DAY OF MAY, 2023**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** Jake Eisland, Esq., Research Counsel

**Re:** Common Council Legislation  
Supporting Memorandum

**Date:** May 22, 2023

**Sponsor:** Council Member Kimbrough

**ORDINANCE 26.61.23**

**TITLE**

AN ORDINANCE AMENDING CHAPTER 48 (EQUAL OPPORTUNITY PROTECTIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXPANDING THE SCOPE OF MINORITY-AND WOMEN-OWNED AND CONTROLLED BUSINESSES

**GENERAL PURPOSE OF LEGISLATION**

To expand the scope of the Minority and Women Owned Business Enterprise Program to include professional services and businesses already approved by New York State or Albany County.

**NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW**

Many Minority and Women Owned Businesses are excluded from the MWBE program because their businesses are professional services, rather than simply a construction-related activity. Additionally, some businesses are excluded due to the repetitive bureaucracy that certification requires. This legislation will expand the MWBE program to include professional services and businesses already certified by the state and county.

**FISCAL IMPACT(S)**

None