AGENDA
PUBLIC SAFETY COMMITTEE
FEBRUARY 27, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. LOCAL LAW NO. “G” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO LIMIT THE LENGTH OF TIME THAT CANINES MAY BE RESTRAINED OUTDOORS TO NO MORE THAN TWO HOURS IN ANY CONTINUOUS TWELVE-HOUR PERIOD

2. LOCAL LAW NO. “R” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM ASSISTING IN THE INVESTIGATION OF CITIZENSHIP OR IMMIGRATION STATUS OF ANY PERSON

3. RESOLUTION NO. 376 FOR 2018: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “R” FOR 2018

CURRENT BUSINESS:

4. AMENDING RESOLUTION NO. 194 FOR 2015 REGARDING AN EASEMENT AND LEASE AGREEMENT FOR A RADIO TOWER AT PROPERTY LOCATED AT 28 JANSEN LANE IN THE TOWN OF BERNE
5. ADOPTING THE 2019 REVISION OF ALBANY COUNTY'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

6. AUTHORIZING AN AGREEMENT BETWEEN THE SHERIFF'S DEPARTMENT AND THE CAPITAL DISTRICT WOMAN'S BAR ASSOCIATION LEGAL PROJECT REGARDING LEGAL SERVICES FOR THE IMMIGRANT POPULATION RESIDING IN ALBANY COUNTY AND AT THE CORRECTIONAL FACILITY
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Public Safety Committee of the Albany County Legislature met on January 30, 2019. Chairperson Miller, Messrs. Bullock, Frainier, Ward, Tunny, Stevens and Ms. Lockart were present. Mr. Clay and Ms. Willingham were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.

1. Local Law No. "G" for 2018: A Local Law of the County of Albany, New York to limit the length of time that canines may be restrained outdoors to no more than two hours in any continuous twelve-hour period: Tabled at the request of the Sponsor.


4. Authorizing an Agreement with the New York State Unified Court System Regarding Court Security for the Family, Supreme and County Courts: The Albany County Sheriff requested authorization to enter into the fifth year of a five-year agreement with the New York State Unified Court System regarding court security for the Family, Supreme, and County courts for a term commencing April 1, 2018 and ending March 31, 2019 in an amount not to exceed $1,850,392. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

5. Amending Resolution No. 291 for 2017 Regarding Statewide Interoperable Communications Grant-Formula Based Funding: The Albany County Sheriff requested an amendment to the agreement with the New York State Division of Homeland Security and Emergency Services regarding Statewide Interoperable Communications Grant-Formula Based Funding to indicate an ending date of December 31, 2019 rather than December 31, 2018. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.
6. Authorizing Agreements with Various Municipalities Regarding Participation in the Advanced Life Support Services Program: The Albany County Sheriff requested authorization to enter into agreements with the towns of Berne, Bethlehem, Coeymans, New Scotland, Rensselaerville and Westerlo regarding the towns' participation in the county’s Emergency Medical Services program in order to provide advanced life support services in the southern and western areas of Albany County for terms commencing January 1, 2019 and ending December 31, 2019 in varying amounts. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

7. Authorizing Agreements with the Towns of Berne, New Scotland, Rensselaerville, Westerlo and the Delmar/Bethlehem Volunteer Ambulance Service Regarding Emergency Medical Technicians-Defibrillation (EMT-D) Services: The Albany County Sheriff requested authorization to enter into agreements with the towns of Berne, New Scotland, Rensselaerville, Westerlo and the Delmar/Bethlehem Volunteer Ambulance services to provide emergency medical technician-defibrillation (EMT-D) services through the county’s Emergency Medical Services program for terms commencing January 1, 2019 and ending December 31, 2019 in varying amounts. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully submitted,
THE PUBLIC SAFETY COMMITTEE

PAUL MILLER, Chair
SEAN E. WARD
DOUGLAS A. BULLOCK
PATRICE LOCKART
WILLIAM M. CLAY

PETER B. TUNNY
TRAVIS O. STEVENS
WANDA F. WILLINGHAM
JOHN E. FRAINIER
LOCAL LAW NO. “G” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO LIMIT THE LENGTH OF TIME THAT CANINES MAY BE RESTRAINED OUTDOORS TO NO MORE THAN TWO HOURS IN ANY CONTINUOUS TWELVE-HOUR PERIOD

Introduced: 4/9/18
By Mr. Cahill and Ms. Cunningham:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Albany County Legislature has been a leader in protecting the health and welfare of animals in Albany County.

This Legislature also finds and determines that animal owners will sometimes tie their animals to a stationary object outdoors for a short period of time.

This Legislature further finds and determines that some owners, however, leave their animals tied to a stationary object outdoors for long periods of time, in some cases, all day.

This Legislature finds that animals left tied to an object outdoors for prolonged periods often do not have sufficient food, water or shelter from inclement weather.

This Legislature further finds that tethers, chains and other restraints can also injure animals, as the restraint may tangle or catch on other objects.

This Legislature also finds that dogs left on tethers, chains and other restraints may be more aggressive and create a public safety hazard.

This Legislature also determines that it is in the best interests of Albany County residents and their pets to limit the amount of time animals spend tied outdoors to a stationary object.

Therefore, the purpose of this Local Law is to limit the length of time that animals may be restrained outdoors to no more than two hours in any continuous twelve-hour period.

Section 2. Definitions
As used in this Local Law, the following terms shall have the meanings indicated:

(a) "Person" means any individual, firm, partnership, corporation, company, society, association, or any organized group of persons, whether incorporated or not.

Section 3. Prohibitions.

(a) It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors or cause such dog to be restrained in a manner that:

(1) Endangers such dog's health, safety or well-being;
(2) Restricts such dog's access to suitable and sufficient food and water;
(3) Does not provide such dog with shelter appropriate to its breed, physical condition, and the climate as defined by §353-b of the New York State Agriculture and Markets Law; or
(4) Unreasonably limits the movement of such dog because it is too short for the dog to move around or for the dog to urinate or defecate in a separate area from the area where it must eat, drink or lie down.

(b) Notwithstanding the provisions of Subsection (a) of this Section, no person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any object with a device that:

(1) Is a choke collar or pinch collar, or a similar collar that tightens when pulled;
(2) Restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or causes substantial discomfort to the dog;
(3) Is embedded, partially embedded or may become embedded in such dog's skin;
(4) Has weights attached or contains links that are more than 1/4 inch thick;
(5) Weighs more than 25% of the dog's total body weight, not to exceed 25 pounds for any dog;
(6) Is less than 10 feet in length;
(7) Because of its design or placement is likely to become entangled;
(8) Is long enough to allow such dog to move outside of its owner's property; or
(9) Would allow the restrained dog to move over an object or edge that could result in the strangulation of or injury to such dog.

(c) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than two hours in any twelve-hour period. And if the dog is tethered to a pulley, running line, or trolley or cable system, the top line must be a minimum of fifteen feet long and six or less feet above the ground.
(d) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for any period of time if:

(1) The dog is less than 6 months old;
(2) There is an active weather alert;
(3) Tethering may exacerbate an existing health condition;
(4) Multiple dogs are tethered and their tethers may become entangled; or
(5) The dog is not displaying current identification as defined by section § 108 of New York State Agriculture and Markets Law.

Section 4. Enforcement.

This Local Law shall be enforced by the office of the Albany County Sheriff and may also be enforced by any police officer, peace officer, or local dog control or animal control officer with jurisdiction within Albany County.

Section 5. Penalties for offenses.

A violation of this Local Law shall be punishable by a fine of not more than $150 for a first offense, by a fine of not more than $300 for a second offense and by a fine of not more than $500 for a third or subsequent offense.

Section 6. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or 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 of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Referred to Law and Public Safety Committees – 4/9/18
LOCAL LAW NO. "R" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM ASSISTING IN THE INVESTIGATION OF CITIZENSHIP OR IMMIGRATION STATUS OF ANY PERSON

Introduced: 7/9/18
By Messrs. Fein, Simpson and Bullock:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Title

This local law shall be known as the "Welcoming Albany County Act"

Section 2. Legislative Intent

The Legislature finds that Albany County has a diverse population, with residents from many different cultures and backgrounds, including many different races, ethnicities, faiths, and national origins.

The Legislature further finds that the residents of Albany County benefit from the County's diverse cultural heritage.

The Legislature further finds that it is in the best interest of the residents of Albany County to be a welcoming place for all people of all walks of life with no deference to nationality or citizenship.

Therefore, the purpose of this local law is to ensure that Albany County is a welcoming place for all individuals and that Albany County officials do not investigate individuals' immigration or citizenship status, do not participate in the enforcement of Federal immigration law, and leave the enforcement of Federal immigration law to Federal officials.

Section 3. Definitions

As used in this local law, the following terms shall have the meanings indicated:

A. "Administrative warrant" means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, issued for a civil immigration enforcement purpose and that is not issued or signed by a judge
appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631. This definition includes, but is not limited to, administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database. This definition does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and New York law.

B. "Agency" means every Albany County department, agency, division, commission, council, committee, board, or other body established by authority of a local law, resolution, or executive order, and shall encompass, for the purposes of this local law, all contractors performing work on behalf of the county.

C. "Agent" means any person employed by or acting on behalf of an agency or county contractor.

D. "CBP" means the United States Customs and Border Protection agency and shall include any successor agency charged with the enforcement of federal civil immigration laws.

E. "Certification" means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by Section 1184(a) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-918, Supplement B, or any successor forms) for purposes of obtaining a U visa, or by Section 1184(a) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-914, Supplement B, or any successor forms) for purposes of obtaining a T visa.

F. "Certifying agency" means Albany County law enforcement agency or other authority that has responsibility for the investigation, prosecution, or sentencing of qualifying criminal activity. "Certifying agency" includes any agency that has criminal investigative jurisdiction in its respective areas of expertise.

G. "Citizenship or immigration status" means an individual's recorded citizenship or immigration status, as such status is defined in the federal immigration and nationality act, at the time an agent or agency receives such information.

H. "Contact information" means home address, work address, telephone number, electronic mail address, social media information, or any other information that can be used as a means of locating or contacting an individual.
I. "Eligible for release from custody" means that the person may be released from custody because one of the following conditions has occurred:

a. All criminal charges against the person have been dropped or dismissed.
b. The person has been acquitted of all criminal charges filed against him or her.
c. The person has served all the time required for his or her jail or prison sentence.
d. The person is ordered to be released from custody pending the disposition of his or her pending criminal case.
e. The person has posted a bond.
f. The person is otherwise eligible for release under state or local law, or local policy.

J. "Family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

K. "ICE" means the United States Immigration and Customs Enforcement agency and shall include any successor agency charged with the enforcement of federal civil immigration laws.

L. "Immigration detainer" means a request by ICE or CBP to a federal, state, or local law enforcement agency that requests that the law enforcement agency provide notice of release or maintain custody of an individual, including detainers issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include DHS Form I-247-A "Immigration Detainer – Notice of Action"; DHS Form I-247D "Immigration Detainer – Request for Voluntary Action"; DHS I-247X "Request for Voluntary Transfer"; DHS Form I-247N "Request for Voluntary Notification of Release," or any successor forms.

M. "Immigration enforcement operation" means any operation that is primarily for the purpose of identifying or apprehending a person or persons: 1) in order to subject them to civil immigration detention, removal or deportation proceedings, and/or removal or deportation from the United States; or 2) to criminally prosecute a person or persons for offenses related to immigration status, including but not limited to violations of Sections 1253, 1304, 1306(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.
N. "Judicial warrant" means a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 USC 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

O. "Qualifying criminal activity" means any activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in Section 1351 of Title 18 of the United States Code); or attempt, conspiracy, or solicitation to commit any of the above-mentioned crimes. This list of qualifying criminal activity is not a list of specific statutory violations, but instead a list of general categories of criminal activity. Activity not listed in the first sentence of this definition shall be presumed to be qualifying criminal activity when its nature and elements are substantially similar to any qualifying criminal activity listed herein. Qualifying criminal activity that occurs during the commission of non-qualifying criminal activity shall be considered qualifying criminal activity regardless of whether criminal prosecution was sought for the qualifying criminal activity.

P. "Victim of qualifying criminal activity" means any individual who has reported qualifying criminal activity to a law enforcement agency or certifying agency, or has otherwise participated in the detection, investigation, or prosecution of qualifying criminal activity, who has suffered direct or proximate harm as a result of the commission of any qualifying criminal activity and may include, but is not limited to, an indirect victim, regardless of the direct victim's immigration or citizenship status, including the spouse, children under 21 years of age, and, if the direct victim is under 21 years of age, deceased, incompetent or incapacitated, parents and unmarried siblings under 18 years of age of the direct victim. A bystander victim may also be considered as a "victim of qualifying criminal activity." More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this definition, the term "incapacitated" means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disappearance.

Section 4. Requesting information prohibited
No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person, except as may be required under Section 10 of this local law, unless such inquiry or investigation is required by court order. Notwithstanding this provision, the Albany County attorney may investigate and inquire about citizenship or immigration status when relevant to potential or actual litigation or an administrative proceeding in which the county is or may be a party.

Section 5. Conditioning benefits, services, or opportunities on immigration status prohibited

A. No agent or agency shall condition the provision of Albany County benefits, services, or opportunities on matters related to citizenship or immigration status unless required to do so by state or federal law, or court order.

B. Where presentation of a driver's license or identification card issued by New York State or any U.S. State or U.S. territory is accepted as adequate evidence of identity, presentation of a photo identity document issued by another country, such as a driver's license, passport, or consular identification document or presentation of a photo identity issued by a school, college, or employer located in the United States, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a driver's license or identification card issued by New York State or any U.S. State or U.S. territory except that this subsection (b) shall not apply to the completion of the federally mandated I-9 forms.

C. In order to ensure that eligible persons are not deterred from seeking Albany County benefits, services, or opportunities, all agencies shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, except as may be required under Section 10 of this local law. Any necessary changes to those policies shall be made within 60 days of the adoption of this local law, consistent with agency procedures.

D. All applications, questionnaires, and interview forms used in relation to Albany County benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding citizenship or immigration status, other than those required by statute, federal law, or court order, shall be deleted within 60 days of the adoption of this local law.

Section 6. Immigration enforcement actions and Federal responsibility
A. No agency or agent shall stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or is free to leave an encounter with an agency or agent, based on any of the following:

a. an immigration detainer;
b. an administrative warrant; or
c. any other basis that is based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.

B. No agency or agent shall accept requests by ICE, CBP, or other agencies to support or assist in any capacity with immigration enforcement operations, including but not limited to requests to (1) provide information (including custody status, release date, home address, or work address) regarding persons who may be the subject of immigration enforcement operations except as may be required under Section 10 of this local law, (2) investigate or interrogate such persons, (3) establish traffic perimeters, or (4) otherwise be present to assist or support an operation. In the event an agent receives a request to support or assist in an immigration enforcement operation, he or she shall report the request to his or her supervisor, who shall decline the request, except as may be required under Section 10 of this local law, and document the declination in an interoffice memorandum to the agency director through the chain of command.

C. No agency or agent shall enter into an agreement under Section 1357(g) of Title 8 of the United States Code or any other federal law that authorizes or permits state or local governmental entities to enforce federal civil immigration laws.

D. Unless presented with a valid and properly issued judicial warrant, no agency or agent shall:

a. stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or is free to leave an encounter with an agency or agent;
b. permit ICE or CBP agents access to a person being detained by, or in the custody of, the agency or agent;
c. transfer any person into ICE or CBP custody;
d. permit ICE or CBP agents use of agency facilities, information (except as may be required under Section 10 of this local law), or equipment, including any agency electronic databases, for investigative interviews or other investigative purpose or for purposes of executing an immigration enforcement operation; or
    e. expend time to respond to ICE or CBP inquiries or communicate with ICE or CBP regarding a person's custody status, release date, home address, work address, or other information, except as may be required under Section 10 of this local law.
Section 7. Certifications for victims of qualifying criminal activity

A. A certifying agency shall execute any certification requested by any victim of qualifying criminal activity or representative of the victim including, but not limited to, the victim's attorney, accredited representative, or domestic violence service provider, within 45 days of receiving the request. If the victim seeking certification is in federal immigration removal proceedings, the certifying agency shall execute the certification within 14 days of receiving the request. If the victim or the victim's children would lose any benefits under Sections 1184(p) and 1184(c) of Title 8 of the United States Code by virtue of having reached the age of 21 years within 90 days after the certifying agency receives the certification request, the certifying agency shall execute the certification no later than 14 days before the date on which the victim or child would reach the age of 21 years. Requests for expedited certification must be affirmatively raised by the victim.

B. If a certifying agency denies a request for certification, the agency shall notify the applicant in writing of the basis for the denial and the process for appealing the denial to the agency head. Within 90 days of receiving an applicant's letter appealing a denial, the certifying agency head shall notify the applicant in writing that the appeal is rejected and the initial denial is upheld or that the appeal is granted and the certifying agency will issue a certification.

C. The head of each certifying agency shall perform, or designate an agent with a supervisory role within the agency to perform, the following responsibilities:

a. respond to requests for certifications;
b. provide outreach to victims of qualifying criminal activity to inform them of the agency's certification process; and
c. keep written records of all certification requests and responses.

D. All certifying agencies shall implement a language-access protocol for non-English speaking victims of qualifying criminal activity.

E. A certifying agency shall reissue any certification within 45 days of receiving a request from the victim of qualifying criminal activity or representative of the victim including, but not limited to, the victim's attorney, accredited representative, or domestic violence service provider.

F. There is no requirement that there be a current investigation, the filing of charges, a prosecution, or a conviction in order for a certifying agency to provide a certification, and there is no statute of limitations on providing a certification.
G. A certifying agency shall not refuse to provide certifications to applicants with criminal histories or outstanding warrants.

H. Notwithstanding any other provision of this section, a certifying agency's completion of a certification shall not be considered conclusive evidence that the victim has met eligibility requirements for a U or T visa, and completion of a certification by a certifying agency shall not be construed to guarantee that a victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a victim of qualifying criminal activity is eligible for a U or T visa. Completion of a certification by a certifying agency merely verifies factual information relevant to the immigration benefit sought including information relevant for federal immigration officials to determine eligibility for a U or T visa. By completing a certification, the certifying agency attests that the information is true and correct to the best of the certifying official's knowledge. If after completion of a certification, the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, then the certifying agency may notify the United States Citizenship and Immigration Services in writing.

Section 8. Federal registry programs

No agency or agent shall expend any time, facilities, equipment, information, or other resources of the agency or agent to facilitate the creation, publication, or maintenance of any federal program to register individuals present in the United States based on their race, religion, gender, sexual orientation, gender identity or expression, or national or ethnic origin, or the participation of any residents of the Albany County in such a registry.

Section 9. Commitments

A. The county commits to working with community advocates, policy experts, and legal advocates to defend the human rights of immigrants.

B. The Albany County Sheriff's Department will continue to respond to requests from immigrant communities to defend them against all crimes, including hate crimes, to assist people with limited language proficiency, and to connect immigrants with social services.

C. The county recognizes the arrest of an individual increases that individual's risk of deportation even in cases where the individual is found to be not guilty, creating a disproportionate impact from law enforcement operations. Therefore, for all individuals, the Albany County Sheriff's Department will recognize and consider the extreme potential negative consequences of an arrest in exercising its discretion regarding whether to take such an action, and will arrest
an individual only after determining that less severe alternatives are unavailable or
would be inadequate to effect a satisfactory resolution.

Section 10. Information regarding citizenship or immigration status

Nothing in this local law prohibits any Albany County agency from sending
to, or receiving from, any local, state, federal agency, information regarding an
individual's citizenship or immigration status.

Section 11. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this
local law or its application shall be inconsistent with any federal or state statute,
law, regulation or rule then the federal or state statute, law, regulation, or rule
shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part
of this local law or its application shall be adjudged by a court of competent
jurisdiction to be invalid or unconstitutional, such order or judgment shall not
affect, impair, or invalidate the remainder of the local law which shall remain in full
force and effect except as limited by such order or judgment.

Section 12. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the
Secretary of State.

Referred to Law, Public Safety and Audit and Finance Committees – 7/9/18
RESOLUTION NO. 376

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "R" FOR 2018

Introduced: 8/13/18
By: Messrs. Fein and Simpson

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "R" for 2018, "A Local Law of the County of Albany, New York Prohibiting Albany County Government from Assisting in the Investigation of Citizenship or Immigration Status of Any Person," be held by the County Legislature in the Legislative Chamber, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 28, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law, Audit and Finance and Public Safety Committees – 8/13/18
February 5, 2019

Honorable Andrew Joyce, Chairman
Albany County Legislature
Legislative Clerk’s Office
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

The attached correspondence is forwarded for presentation to the Albany County Legislature.

The Albany County Sheriff’s Office requests legislative approval to amend Resolution No. 194, introduced May 11, 2015. Resolution No. 194 authorizes an agreement for an easement and lease of property for the construction of a radio tower at 28 Jansen Lane in the Town of Berne. I respectfully request authorization to revise the resolution to reflect an initial term of five years followed by four automatic five year renewals as to comply with New York County Law Section 215. Attached, please find a proposed amendment for your consideration. This proposed change to the lease does not require any funding from Albany County.

Should there be any questions, do not hesitate to call.

Sincerely,

Craig D. Apple, Sr.
Sheriff

Cc: Hon. Daniel P. McCoy, County Executive
    Hon. Paul Miller, Public Safety Chairman
    Hon. Dr. Charles Dawson, Audit & Finance Committee
    Kevin Cannizzaro, Esq., Majority Counsel
    Amnis Zilgme, Esq., Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

DATE: FEBRUARY 5, 2019

DEPARTMENT: ALBANY COUNTY SHERIFF'S DEPT

CONTACT PERSON: CRAIG D APPLE SR
TELEPHONE: 487-5440

DEPT. REPRESENTATIVE ATTENDING COMMITTEE MEETING:

PURPOSE OF REQUEST:
ADOPTION OF LOCAL LAW
AMENDMENT OF PRIOR LEGISLATION
APPROVAL/ADOPTION OF PLAN/PROCEDURE
BOND APPROVAL
BUDGET AMENDMENT (SEE BELOW)
CONTRACT AUTHORIZATION (SEE BELOW)
ENVIRONMENTAL IMPACT
HOME RULE REQUEST
PROPERTY CONVEYANCE
OTHER: (STATE BRIEFLY IF NOT LISTED ABOVE)

CONCERNING BUDGET AMENDMENTS
STATE THE FOLLOWING
INCREASE ACCOUNT/LINE NO.
SOURCE OF FUNDS:
TITLE CHANGE:

CONCERNING CONTRACT AUTHORIZATION,
STATE THE FOLLOWING:
TYPE OF CONTRACT
CHANGE ORDER/CONTRACT AMENDMENT
PURCHASE (EQUIPMENT/ SUPPLIES)
LEASE (EQUIPMENT/SUPPLIES)
REQUIREMENTS
PROFESSIONAL SERVICES
EDUCATIONAL/TRAINING
GRANT: NEW
RENEWAL
SUBMISSION DEADLINE DATE
SETTLEMENT OF A CLAIM
RELEASE OF LIABILITY
OTHER: (STATE BRIEFLY)
STATE THE FOLLOWING:

CONTRACT TERMS/CONDITIONS:

PARTY (NAME/ADDRESS):

Mr. JODY JANSEN
28 JANSEN LANE
BERNE, NY 12023

AMOUNT/RATE SCHEDULE/FEE:
TOTAL $473,970.44 INITIAL YR $13,000.00 WITH YRLY 3% INCREASE
FOR 25 YEARS
TERM: 5 YEAR TERM FOLLOWED BY FOUR AUTOMATIC FIVE-YEAR RENEWALS.
SCOPE OF SERVICES: LEASE AND EASEMENT TO CONSTRUCT A RADIO TOWER AT 28 JANSEN LANE

CONTRACT FUNDING:

ANTICIPATED IN CURRENT BUDGET: YES X NO

COUNTY BUDGET ACCOUNTS:
REVENUE:
APPROPRIATION:
BOND (RES. NO. & DATE OF ADOPTION)

CONCERNING ALL REQUESTS:
MANDATED PROGRAM/SERVICE: YES X NO
COUNTY LAW SECTION 215
IF MANDATED CITE: AUTHORITY
ANTICIPATED IN CURRENT ADOPTED BUDGET: YES X NO
IF YES, INDICATE REVENUE APPROPRIATION ACCOUNTS:

FISCAL IMPACT - FUNDING: (DOLLARS OR PERCENTAGES)

FEDERAL
STATE
COUNTY 100% E911 SURCHARGE FUNDING
TERM/LENGTH OF FUNDING

PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:
RESOLUTION/LAW NUMBER: 194 OF 2015
DATE OF ADOPTION: 5/11/2015

JUSTIFICATION: (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)

THE ORIGINAL RESOLUTION IS BEING AMENDED TO CONFORM TO COUNTY LAW.

BACK-UP MATERIAL SUBMITTED (I.E. APPLICATION/APPROVAL NOTICES FROM FUNDING SOURCE, BID TABULATION SHEET, CIVIL SERVICE APPROVAL NOTICE, PROGRAM ANNOUNCEMENT, CONTRACTS AND/OR ANY MATERIALS WHICH EXPLAIN OR SUPPORT THE REQUEST FOR LEGISLATIVE ACTION.)

SUBMITTED BY: CRAIG D APPLE SR
TITLE: SHERIFF
RESOLUTION NO.

AMENDMENT TO RESOLUTION NO. 194 FOR THE YEAR 2015
AUTHORIZING AN AGREEMENT FOR AN EASEMENT AND GROUND
LEASE OF REAL PROPERTY FOR THE CONSTRUCTION OF A RADIO
TOWER AT 28 JANSEN LANE IN THE TOWN OF BERNE

Introduced:
By Public Safety Committee:

WHEREAS, The Albany County Sheriff’s Office conducted a site study for the
implementation of an emergency radio system to provide sufficient radio coverage in the Town of
Berne for the Sheriff’s Office 911 Center to dispatch fire, emergency medical services and police,
and

WHEREAS, The Sheriff’s Office requested and pursuant to Resolution 194 for the Year
2015 was granted authorization by the Albany County Legislature for the County to enter into an
agreement with Mr. Jody Jansen for an easement and ground lease of real property owned by him
for a term of 25 years for the construction by Albany County of a radio tower at 28 Jansen Lane
in the Town of Berne for use by the Sheriff’s Office 911 Dispatch Center, and

WHEREAS, The Sheriff’s Office and Mr. Jody Jansen wish to amend said original
agreement, and

WHEREAS, the proposed amended easement and ground lease agreement shall be for an
initial term of five years with four subsequent automatic renewals at an annual rent of $13,000.00
payable in equal monthly installments of $1,083.33 with an annual 3% escalator increase over the
term of the easement and ground lease agreement, and

WHEREAS, this amendment shall take effect retroactive to the date of the execution of
said original easement and ground lease agreement, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized
to enter into the aforesaid amended easement and ground lease agreement, and, be it further

RESOLVED, That the County Attorney is authorized to approve the documentation
relating to the aforesaid amended easement and ground lease as to form and content, and, be it
further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified
copies of this resolution to the appropriate County Officials.
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Honorable Andrew Joyce, Chairman  
Albany County Legislature  
Legislative Clerk’s Office  
112 State Street, Room 710  
Albany, New York 12207  

Dear Chairman Joyce:  

The attached correspondence is forwarded for presentation to the Albany County Legislature.  

Legislative approval is required in order to adopt the 2019 revision of the County’s Comprehensive Emergency Management Plan (CEMP). The CEMP has been in existence for over 20 years and guides all of the County’s essential services in times of disaster and/or emergencies. The Department of Homeland Security and Emergency Services (DHSES) directs the County to review and revise the CEMP every two years and have it adopted by the County’s governing body. Electronic copies can be made available and a hard copy is available at the Sheriff’s Office’s Emergency Management Unit.  

Should there be any questions, please do not hesitate to call.  

Sincerely,  

Craig D. Apple, Sr.  
Sheriff  

cc:  Hon. Daniel P. McCoy, County Executive  
     Hon. Paul Miller, Public Safety Chairman  
     Hon. Dr. Charles Dawson, Audit and Finance Committee  
     Kevin Cannizzaro, Esq., Majority Counsel  
     Hon. Arnis Zilgme, Esq., Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

DATE: JANUARY 31, 2019

DEPARTMENT: ALBANY COUNTY SHERIFF'S DEPT

CONTACT PERSON: CRAIG D APPLE SR
TELEPHONE: 487-5440

DEPT. REPRESENTATIVE ATTENDING
COMMITTEE MEETING:

PURPOSE OF REQUEST:
ADOPTION OF LOCAL LAW
AMENDMENT OF PRIOR LEGISLATION
APPROVAL/ADOPTION OF PLAN/PROCEDURE
BOND APPROVAL
BUDGET AMENDMENT (SEE BELOW)
CONTRACT AUTHORIZATION (SEE BELOW)
ENVIRONMENTAL IMPACT
HOME RULE REQUEST
PROPERTY CONVEYANCE
OTHER: (STATE BRIEFLY IF NOT LISTED ABOVE) X

LEGISLATIVE APPROVAL IS NEEDED IN ORDER TO ADOPT THE 2019 REVISION OF THE COUNTY’S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

CONCERNING BUDGET AMENDMENTS
STATE THE FOLLOWING
INCREASE ACCOUNT/LINE NO.
SOURCE OF FUNDS:
TITLE CHANGE:

CONCERNING CONTRACT AUTHORIZATION,
STATE THE FOLLOWING:
TYPE OF CONTRACT
CHANGE ORDER/CONTRACT AMENDMENT
PURCHASE (EQUIPMENT/ SUPPLIES)
LEASE (EQUIPMENT/SUPPLIES)
REQUIREMENTS
PROFESSIONAL SERVICES
EDUCATIONAL/TRAINING
GRANT:
NEW
RENEWAL
SUBMISSION DEADLINE DATE
SETTLEMENT OF A CLAIM
RELEASE OF LIABILITY
OTHER: (STATE BRIEFLY)
CONCERNING CONTRACT AUTHORIZATION (CONT'D)
STATE THE FOLLOWING:
CONTRACT TERMS/CONDITIONS:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
AMOUNT/RATE SCHEDULE/FEES:
________________________________________________________________________
TERM:
SCOPE OF SERVICES:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
CONTRACT FUNDING:
ANTICIPATED IN CURRENT BUDGET: YES    X    NO    X

COUNTY BUDGET ACCOUNTS:
REVENUE:
APPROPRIATION:
BOND (RES. NO. & DATE OF ADOPTION)

CONCERNING ALL REQUESTS:
MANDATED PROGRAM/SERVICE: YES  X  NO
IF MANDATED CITE AUTHORITY: THE DEPT. OF HOMELAND SECURITY
ANTICIPATED IN CURRENT ADOPTED BUDGET: YES NO
IF YES, INDICATE REVENUE APPROPRIATION ACCOUNTS:

FISCAL IMPACT - FUNDING: (DOLLARS OR PERCENTAGES)
FEDERAL
STATE
COUNTY
NONE
TERM/LENGTH OF FUNDING

PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:
RESOLUTION/LAW NUMBER:
DATE OF ADOPTION:

JUSTIFICATION: (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)
THE DEPT. OF HOMELAND SECURITY DIRECTS THE COUNTY TO REVIEW AND REVISE THE
CEMP EVERY TWO YEARS AND HAVE IT ADOPTED BY THE COUNTY'S GOVERNING BODY.
ELECTRONIC COPIES CAN BE MADE AVAILABLE AND A HARD COPY IS AVAILABLE AT THE
SHERIFF'S EMERGENCY MANAGEMENT UNIT'S OFFICE.

BACK-UP MATERIAL SUBMITTED (I.E. APPLICATION/APPROVAL NOTICES FROM FUNDING SOURCE,
BID TABULATION SHEET, CIVIL SERVICE APPROVAL NOTICE, PROGRAM ANNOUNCEMENT, CONTRACTS
AND/OR ANY MATERIALS WHICH EXPLAIN OR SUPPORT THE REQUEST FOR LEGISLATIVE ACTION.)

SUBMITTED BY: CRAIG D. APPLE SR
TITLE: SHERIFF
RESOLUTION NO. 79

APPROVING THE REVISED ALBANY COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Introduced: 02/09/04

WHEREAS, By Resolution No. 379 for 1999, this Honorable Body approved the Albany County Comprehensive Emergency Management Plan, and

WHEREAS. The Albany County Sheriff's Department has submitted a revised and updated County Comprehensive Emergency Management Plan which is thorough and complete in scope, and

WHEREAS, Adoption of the revised Comprehensive Emergency Management Plan will serve as the backbone of Albany County’s effort to educate and protect citizens in the event of an emergency, now, therefore be it

RESOLVED, By the Albany County Legislature that the Albany County Comprehensive Emergency Management Plan dated December, 2003 submitted by the Albany County Sheriff’s Department and filed with the Clerk of the Legislature is approved and adopted, and, be it further

RESOLVED, That the aforementioned County Comprehensive Emergency Management Plan be reviewed periodically by the Albany County Sheriff’s Department to determine the effectiveness of the policy, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote. 02/09/04
January 28, 2019

Honorable Andrew Joyce
Legislative Clerk’s Office
112 State Street, Room 710
Albany, New York 12207

Dear Mr. Joyce:

The attached correspondence is forwarded for presentation to the Albany County Legislature.

Legislative approval is required in order to allow the Albany County Sheriff’s Office to enter into a one (1) year agreement with Capital District Woman’s Bar Association Legal Project Inc. to provide legal and support services to the immigrant population residing in Albany County and at the Albany County Correctional Facility.

This project is funded under the budget in the amount of $170,000.00 and the Request For Proposal (RFP #2019-009) process was completed with the Capital District Woman’s Bar Association Legal Project, Inc. being the sole bidder. This organization was deemed to be highly qualified to provide these services and has met or exceeded all of the criteria set forth in the aforementioned Request For Proposal.

Furthermore, this organization currently provides these services for the immigrant population at the Albany County Correctional Facility and this agreement would allow for legal and support services to continue, be enhanced and to be expanded upon beyond the walls of the correctional facility.

Should there be any questions, please do not hesitate to call.

Sincerely,

[Signature]
Craig D. Apple, Sr.
Sheriff

Att.

cc: Hon. Daniel P. McCoy, County Executive
    Hon. Paul Miller, Public Safety Chairman
    Hon. Dr. Charles Dawson, Audit & Finance Committee
    Kevin Cannizzaro, Esq., Majority Counsel
    Arnis Zilgme, Esq., Minority Counsel
CONCERNING CONTRACT AUTHORIZATION (CONT'D)

STATE THE FOLLOWING:

PARTY (NAME/ADDRESS):

CAPITAL DISTRICT WOMAN'S BAR ASSOCIATION LEGAL PROJECT INC
24 AVIATION ROAD, SUITE 101
ALBANY, NY 12205

AMOUNT/RATE SCHEDULE/ FEE:

NOT TO EXCEED $170,000 FOR 1 YEAR

TERM: 1/1/19 THRU 12/31/19

SCOPE OF SERVICES: THE VENDOR WILL PROVIDE IMMIGRANT LEGAL
DEFENSE AND SUPPORT SERVICES IN ALBANY COUNTY AND ALSO AT THE
ALBANY COUNTY CORRECTIONAL FACILITY

CONTRACT FUNDING:

ANTICIPATED IN CURRENT BUDGET: YES X NO X

COUNTY BUDGET ACCOUNTS:

REVENUE:

APPROPRIATION: A93110.44049 (SPECIAL PROGRAMS)

CONCERNING ALL REQUESTS:

MANDATED PROGRAM/SERVICE: YES NO X

IF MANDATED CITE: AUTHORITY

ANTICIPATED IN CURRENT ADOPTED BUDGET: YES X NO

IF YES, INDICATE REVENUE APPROPRIATION ACCOUNTS:
A93110.44049

FISCAL IMPACT - FUNDING: (DOLLARS OR PERCENTAGES)

FEDERAL

STATE

COUNTY 100%

TERM/LENGTH OF FUNDING

PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:

RESOLUTION/LAW NUMBER:

DATE OF ADOPTION:

JUSTIFICATION: (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)

THE VENDOR WAS THE SOLE BIDDER FOR RFP # 2019-009.

FURTHERMORE, THIS ORGANIZATION CURRENTLY PROVIDES THESE SERVICES FOR THE
IMMIGRANT POPULATION AT THE ALBANY COUNTY CORRECTIONAL FACILITY AND THIS
AGREEMENT WOULD ALLOW THIS ARRANGEMENT TO CONTINUE AND BE ENHANCED BEYOND
THE CORRECTIONAL FACILITY

BACK-UP MATERIAL SUBMITTED (I.E. APPLICATION/APPROVAL NOTICES FROM FUNDING SOURCE,
BID TABULATION SHEET, CIVIL SERVICE APPROVAL NOTICE, PROGRAM ANNOUNCEMENT, CONTRACTS
AND/OR ANY MATERIALS WHICH EXPLAIN OR SUPPORT THE REQUEST FOR LEGISLATIVE ACTION.)

SUBMITTED BY: CRAIG D. APPLE SR
TITLE: SHERIFF
MEMORANDUM

TO:   Jasper Mills
       Sheriff’s Office

FROM: Karen Storm
       Purchasing Agent

DATE: January 28, 2019

RE:   RFP #2019-009 Immigrant Legal Defense and Support Services

I am in receipt of your recommendation to award the aforementioned Request for Proposals to Capital District Women’s Bar Association Legal Project Inc. in the amount of $170,000.00.

Since Capital District Women’s Bar Association Legal Project Inc. is the sole proposer I believe that you have performed a thorough evaluation of the proposal submitted. I have no objection to the selection of Capital District Women’s Bar Association Legal Project Inc. for an award.

Please obtain the necessary contract approval of the County Legislature, so that we may issue a Notice of Award to the successful proposer.