AGENDA
PUBLIC SAFETY COMMITTEE
SEPTEMBER 25, 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. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES REGARDING THE 2019 EMERGENCY MANAGEMENT AND PERFORMANCE GRANT
5. AUTHORIZING THE EXECUTION OF A WAIVER REGARDING BYRNE JUSTICE ASSISTANCE GRANT FUNDING AND AUTHORIZING THE CITY OF ALBANY TO ACCEPT FUNDS DIRECTLY
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Public Safety Committee of the Albany County Legislature met on August 28, 2019. Chairperson Miller, Messrs. Clay, Frainier, Stevens, Tunny, Mss. Willingham and Lockart were present. Messrs. Ward and Bullock 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 Canal Corporation regarding reimbursement for Marine Patrol Services: The Albany County Sheriff has requested authorization to enter into an agreement with the New York State Canal Corporation regarding reimbursement for marine patrol services in the amount of $6,000 for the term commencing April 1, 2019 and ending March 31, 2020. The Sheriff has indicated that this funding, which requires a County match of $2,000, will be used to recuperate a portion of the funds spent on the patrolling of Albany County waterways which are contiguous to the New York State Canal System. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

5. Authorizing the submission of a grant application to the New York State Division of Homeland Security and Emergency Services regarding the 2019 Statewide Interoperability Communications Grant: The Sheriff has requested authorization to apply for a grant with the New York State Division of Homeland Security and Emergency Services (NYS DHSES) regarding the 2019 Statewide Interoperable Communications Grant-Formula Based Funding. The Sheriff has indicated that no County share or in-kind match is required and the NYS DHSES funding, if awarded, will be used to offset costs associated
with the 911 interoperable communications system. 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 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: 7/9/13
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 fédéral 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 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(p) 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(o) 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 dates, 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(o) 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
September 1, 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 Albany County to apply for the FY 2019 Emergency Management Performance Grant with the Division of Homeland Security and Emergency Services. This grant is part of the ongoing SHSP (State Homeland Security Program) grant program. We were recently notified of our 2019 allocation under this program. While we don’t actually apply to receive this grant, we must submit an application form showing how the money will be spent on emergency management functions. We expect to receive the application documents soon.

The grant award allocated for Albany County is $116,085.00 and covers the grant period 10/1/2018-9/30/2021. We usually receive this grant every year but there is no guarantee the program will continue in the future. Last year we received a grant of $117,970.00. These grant funds will be utilized to cover equipment, supplies and preparedness items used in our ongoing emergency management activities. The grant has a 50% matching requirement. We will use salaries of our emergency management personnel as the match.

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

Sincerely,

Craig D. Apple, Sr.
Sheriff

Att.
cc: Hon. Daniel P. McCoy, County Executive
    Hon. Paul Miller, Public Safety Chairman
    Hon. Wanda Willingham, Audit & Finance Committee
    Kevin Cannizzaro, Esq., Majority Counsel
    Hon. Arnis Zilgme, Esq., Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

DATE: AUGUST 29, 2019

DEPARTMENT: ALBANY COUNTY SHERIFF'S DEPT

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

DEPT. REPRESENTATIVE ATTENDING COMMITTEE MEETING: SHERIFF CRAIG D APPLE SR

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

TO APPLY FOR THE FY2019 EMPG GRANT - EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF $116,085.

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 X
RENEWAL
SUBMISSION DEADLINE DATE 10/1/2019

SETTLEMENT OF A CLAIM
RELEASE OF LIABILITY
OTHER: (STATE BRIEFLY)
CONCERNING CONTRACT AUTHORIZATION (CONT'D)

STATE THE FOLLOWING:

CONTRACT TERMS/CONDITIONS: PARTY (NAME/ADDRESS):
JOHN P MELVILLE, COMMISSIONER
DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES
1220 WASHINGTON AVENUE, BLDG 7A, SUITE 710, ALBANY 12242
AMOUNT/RATE SCHEDULE/FEES:
$116,085.00 (50% MATCH FUNDING)
TERM: 10/1/2018 - 9/30/2021
SCOPE OF SERVICES: SUPPORTS PLANNING AND EMERGENCY MANAGEMENT FUNCTIONS

CONTRACT FUNDING:
ANTICIPATED IN CURRENT BUDGET: YES NO X
FUNDING SOURCE: NYS DIVISION OF HOMELAND SECURITY (DHSES)

COUNTY BUDGET ACCOUNTS:
REVENUE: A33110.04305 - CIVIL DEFENSE
APPROPRIATION: A93110.22750 (SECURITY EQUIPMENT)

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

FISCAL IMPACT - FUNDING: (Dollars or Percentages)
FEDERAL
STATE 50%
COUNTY 50%
TERM/LENGTH OF FUNDING 10/01/2018 - 9/30/2021

PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:
RESOLUTION/LAW NUMBER: 560 OF 2018 COPY ATTACHED
DATE OF ADOPTION: 12/3/2018

JUSTIFICATION: (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)
SUPPORTS EMERGENCY MANAGEMENT OFFICE AND ITS PROGRAMS PER AWARD LETTER
DATED 8/26/2019 (ATTACHED)

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
August 26, 2019

The Honorable Daniel P. McCoy
Albany County Executive
Harold L. Joyce Albany County Office Building
112 State Street, Room 900
Albany, NY 12207

Dear Mr. McCoy:

I am pleased to inform you that Albany County is awarded $116,085 under the FY2019 Emergency Management Performance Grant (EMPG). Funding for this grant is provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA). The New York State Division of Homeland Security and Emergency Services (DHSES) will administer this funding on behalf of FEMA. The performance period for this grant is from October 1, 2018 through September 30, 2021.

The FY2019 EMPG application documents and grant guidance are being sent to your designated program points of contact. In order for DHSES to provide these critical funds to you as quickly as possible, your application must be submitted to DHSES no later than September 27, 2019. If you need assistance in completing your application, please contact the DHSES Grants Program Administration Office at (866) 837 9133.

Thank you for your continued support of New York State's homeland security efforts. DHSES remains committed to providing you with outstanding support in the administration of your homeland security programs. If you have any questions, please contact my Director of Grants Program Administration, Shelley Wahrlich, at (518) 402-2123.

Sincerely,

Patrick A. Murphy
Commissioner

cc: Brian Wood, Commander, Albany County Emergency Management
    Thomas M. Remmert, Deputy Director, Albany County Emergency Management
September 2, 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 being requested to enter into an intergovernmental agreement in which Albany County relinquishes claim to funds from the 2019 Byrne Justice Assistance Grant (JAG) Program Award and authorizes the City of Albany to accept and allocate these grant funds for various law enforcement programs.

The amount of the award is $66,741.00, of which there is no fiduciary responsibility to the County of Albany.

This process was previously approved by the Albany County Legislature for a 2018 Award in resolution 2018-414.

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

Sincerely,

Craig D. Apple, Sr.
Sheriff

Att.

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

DATE: SEPTEMBER 3, 2019

DEPARTMENT: ALBANY COUNTY SHERIFF’S DEPT

CONTACT PERSON: SHERIFF CRAIG D APPLE SR
TELEPHONE: 518-447-5440

DEPT. REPRESENTATIVE ATTENDING COMMITTEE MEETING: SHERIFF CRAIG D APPLE SR

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) X
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) X

WE WILL ENTER INTO AN INTERMUNICIPAL AGREEMENT BETWEEN ALBANY COUNTY AND THE CITY OF ALBANY TO ALLOW THE CITY OF ALBANY TO RECEIVE THE 2019 JAG GRANT IN THE AMOUNT OF $66,741.00
CONCERNING CONTRACT AUTHORIZATION (CONT'D)

STATE THE FOLLOWING:

CONTRACT TERMS/CONDITIONS: ____________________________

PARTY (NAME/ADDRESS): ________________________________

AMOUNT/RATE SCHEDULE/FEE:

TERM: ________________________________________________

SCOPE OF SERVICES: ____________________________________

CONTRACT FUNDING:

ANTICIPATED IN CURRENT BUDGET: YES _____ NO _____

FUNDING SOURCE: ______________________________________

COUNTY BUDGET ACCOUNTS: ______________________________

REVENUE: _____________________________________________

APPROPRIATION: ________________________________________

BOND (RES. NO. & DATE OF ADOPTION): ____________________

CONCERNING ALL REQUESTS:

MANDATED PROGRAM/SERVICE: YES _____ NO _____ X _____

IF MANDATED CITE AUTHORITY ______________________________

ANTICIPATED IN CURRENT ADOPTED BUDGET: YES _____ NO _____ X _____

IF YES, INDICATE REVENUE APPROPRIATION ACCOUNTS: ____

FISCAL IMPACT - FUNDING: (DOLLARS OR PERCENTAGES)

FEDERAL ______________________________________________

STATE ________________________________________________

COUNTY ______________________________________________

TERM/LENGTH OF FUNDING: _______________________________

PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:

RESOLUTION/LAW NUMBER: 414 OF 2018 COPY ATTACHED

DATE OF ADOPTION: ADOPTED 9/12/18

JUSTIFICATION: (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)
COUNTY OF ALBANY AGREES THAT THE CITY OF ALBANY SHALL RECEIVE THE TOTAL OF THE 2019 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF $66,741.00

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
GMS APPLICATION NUMBER: 2019-H4281-NY-DJ
The State of New York
County of Albany

INTERMUNICIPAL AGREEMENT
BETWEEN the County of Albany and the City of Albany, New York

2019 Byrne Justice Assistance Grant (JAG) Program Award 2019-H4281-NY-DJ
This Agreement is made and entered into this______ day of_______, 2019 by and between the COUNTY of ALBANY, acting by and through its governing body, the Albany County Legislature; the CITY of ALBANY, acting by and through its governing body, the Albany Common Council of Albany County, State of New York, witnesseth:

WHEREAS, this Agreement is made under the authority of the General Municipal Law section 119-o; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the parties to this Agreement believe it to be in their best interests to accept and allocate JAG funds; and

WHEREAS, the parties to this Agreement have agreed to let the City of Albany be their agent for the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG); and

WHEREAS, the County of Albany agrees, if the amount of $66,741.00 is provided from JAG, that the City of Albany shall receive a total of $66,741.00 from the JAG award to be allocated as listed in sections 1 and 2 of this document for various law enforcement programs.

NOW THEREFORE, the parties to this Agreement agree as follows:
Section 1.
COUNTY of ALBANY agrees that the CITY of ALBANY shall receive the total of The 2019 JAG funds.

Section 2.
CITY of ALBANY agrees that the COUNTY of ALBANY will receive NO FY 2019 JAG funds

CITY of ALBANY

ATTEST: APPROVED AS TO FORM: ________________________________

(STATE OF NEW YORK
COUNTY OF ALBANY)

On this _____ day of ________, 2019, before me personally came Katherine M. Sheehan, known to me, who, being by me duly sworn, depose and says that she is the Mayor of the City of Albany, NY, the entity which executed the above instrument; that she was authorized by and did execute the same at the direction of said entity and that s/he signed his/her name thereto.

____________________________
Notary Public

COUNTY of ALBANY,

ATTEST: APPROVED AS TO FORM: ________________________________

(STATE OF NEW YORK
COUNTY OF ALBANY)

On this _____ day of ________, 2019, before me personally came Daniel P. McCoy, known to me, who, being by me duly sworn, depose and says that s/he is the County Executive of Albany County, NY, the entity which executed the above instrument; that s/he was authorized by and did execute the same at the direction of said entity and that s/he signed his/her name thereto.

____________________________
Notary Public
Welcome to BJA’s Edward Byrne Memorial Justice Assistance Grant (JAG) Program

View special notices regarding Justice Assistance Grant award conditions (https://ojp.gov/funding/Explore/LegalNotices-AwardRegts.htm)

Criminal Alien Law Enforcement requirements – Access Questions & Answers related to award conditions and requirements related to criminal alien law enforcement (https://ojp.gov/funding/Explore/pdf/FY18_QandA.pdf), including 8 U.S.C. § 1373, which is being updated regularly.

Prohibited Expenditures and associated procedures under JAG - The JAG statute, 34 U.S.C. §§ 10151 - 10158, specifically identifies a list of prohibited items, including Unmanned Aircraft (UA), Unmanned Arial Vehicles (UAV) and Unmanned Arial Systems (UAS) which are defined as aircraft, that cannot be purchased with JAG funds unless the BJA Director certifies that extraordinary and exigent circumstances exist that make the use of such funds essential to the maintenance of public safety and good order. Additional information on prohibited expenditures under JAG, including the process to obtain prior approval to purchase a prohibited item(s) can be found within the JAG Prohibited Expenditures Guidance.
The JAG program, specifically authorized under 34 U.S.C. §§ 10151 - 10158, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. Read about Officer Edward R. Byrne (about.html).

FY 2019 JAG Information

FY 2019 JAG State (https://www.bja.gov/Funding/19JAGStateAllocations.pdf) and Local (19JAGAllocations.html) Allocations (Eligibility Information)

Visit the JAG Showcase:

The JAG Showcase was designed to identify and highlight JAG projects that have shown promise in reducing crime and positively impacting communities. BJA has now expanded the concept of the JAG Showcase to other BJA grant programs and created a BJA Success Stories web page.

https://www.bja.gov/jag/
News & Publications (news-publications.html)

**JAG Activity Report Available** ([https://www.bja.gov/Programs/JAG/JAG-FY2016-Activity-Report_508.pdf](https://www.bja.gov/Programs/JAG/JAG-FY2016-Activity-Report_508.pdf) - The Justice Assistance Grant Program FY 2016 Activity Report highlights award data, including information about how funds were allocated and used.


**UPDATED JAG Variable Pass-Through (VPT) information**: State Administering Agencies (SAA) are required to use this VPT data in the administration of all JAG awards. Please refer to the [JAG VPT page (vpt.html)](https://www.bja.gov/Programs/JAG/JAG-VPT-VPT.html) for updated information and click the web link that corresponds to the appropriate JAG Fiscal Year award.

(news-publications.html)

Frequently Asked Questions (FAQs)

([https://www.bja.gov/Programs/JAG/JAG-FAQs.pdf](https://www.bja.gov/Programs/JAG/JAG-FAQs.pdf)

**JAG FAQs** ([https://www.bja.gov/Programs/JAG/JAG-FAQs.pdf](https://www.bja.gov/Programs/JAG/JAG-FAQs.pdf) contain a list with categories of questions that are common concerns for the field. This includes pertinent information on statutory requirements (such as governing body notification, public comment and pass-through), application requirements, prohibited expenditures (current and past), certifications (including Chief Executive and Chief Legal Officer), reporting requirements, etc.

Important Updates
Edward Byrne Justice Assistance Grant (JAG) Program Fact Sheet
2018, this Fact Sheet provides background information and other details about the JAG
Program, which is the leading federal source of criminal justice funding to state and local
jurisdictions.

FY 2017 Awards - As a result of a stay issued by the 7th Circuit on June 26, 2018, BJA has
now processed the majority of the state, local and tribal FY17 JAG awards. Reviews of some
applications remain ongoing. A list of completed awards will be available on OJP’s website
(https://ojp.gov/funding/Explore/OJPAwardDate.htm).

(updates.html)
ed below are all jurisdictions in the state that are eligible for FY 2019 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: [www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf](http://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf) and current JAG Frequently Asked Questions here: [www.bja.gov/Funding/JAGFAQ.pdf](http://www.bja.gov/Funding/JAGFAQ.pdf).

Filtering your jurisdiction:
Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
Direct allocations are listed alphabetically below the shaded, disparate groupings.

Counts that have an asterisk (*) under the “Direct Allocation” column did not submit the level of violent crime data to qualify for direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to align with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: [www.bja.gov/Funding/JAGMOU.pdf](http://www.bja.gov/Funding/JAGMOU.pdf). Disparate jurisdictions do not need to abide by these listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for arming individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

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