



BOARD OF SUPERVISORS

THEODORE T. KUSNIERZ, JR., CHAIRMAN

EMERGENCY ORDER No. 2 of 2023 of Saratoga County

LOCAL STATE OF EMERGENCY ORDER

I, Theodore T. Kusnierz, Jr., the Chief Executive of Saratoga County, in accordance with a declaration of a State of Emergency issued on May 19, 2023, and pursuant to Section 24 of the New York State Executive Law, do hereby order:

On May 19, 2023, the Saratoga County Chief Executive, Theodore T. Kusnierz, Jr., declared a local state of emergency for the County of Saratoga because the public safety and public health is imperiled due to the immediate danger of an extraordinary increase in the number of illegal immigrants, migrants and/or asylum seekers entering the County of Saratoga.

Pursuant to NYS Executive Law §24, when a State of Emergency is in effect, the Chief Executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. By law upon reconsideration of all the relevant facts and circumstances, such an order may be extended for additional periods not to exceed five days each during the pendency of the state of emergency.

Accordingly, by the power vested in me as Chief Executive of Saratoga County, it is hereby ordered:

Section 1. Prohibition of contracts with municipalities to transport or house Migrants that jeopardize the health, safety, or welfare of the County:

- A. No person, business or entity doing business within the County of Saratoga shall agree or contract with any municipality, non-governmental organization, or community-based organization to transport to or within the County of Saratoga any Migrant without the prior written permission of the Chief Executive or his designee,

such permission to be given only after determining that such agreement or contract would not jeopardize the health, safety, or welfare of the County and its residents.

- B. No hotel, motel, shelter, campground, short-term rental, or owner of a multiple dwelling, in the County of Saratoga shall agree or contract with any municipality, non-governmental organization or community-based organization to sell, lease, rent or otherwise provide hotel rooms, housing, campgrounds, motel rooms or short-term rentals to any Migrant without the prior written permission of the Chief Executive or his designee, such permission to be given only after determining that such agreement or contract would not jeopardize the health, safety, or welfare of the County.
- C. As conditions to granting the permissions described in paragraphs A and B of this Section 1, the Chief Executive or his designee shall require each agreement to contract with the counterparty to:
 - i. Provide a date certain for the return or relocation of the Migrant to the jurisdiction of the counterparty;
 - ii. Require the counterparty to provide all funding to sustain the needs of the Migrant during his or her stay in the County;
 - iii. Assume all costs of the County and political subdivision within the County arising from the agreement or contract to transport or house the Migrant, including costs for care, welfare, law enforcement interactions, and other interactions; and

Section 2. Penalties and Remedies:

- A. Pursuant to New York State Executive Law Section 24(5), any person who, or entity which, knowingly violates the provisions of this Local Emergency Order shall be guilty of a class B misdemeanor. The Saratoga County Sheriff is authorized to issue appearance tickets for any such knowing violation of this Local Emergency Order.
- B. Regardless of any other penalty, remedy, or relief sought by the County for any violation of this Local Emergency Order, the County Attorney may commence actions or proceedings in the name of the County, in a court of competent jurisdiction, to abate any violations of this Local Emergency Order.
- C. The penalties or remedies of this Local Emergency Order are not exclusive of any other remedy or penalty, but are in addition to all such remedies and penalties and may be pursued at any time whether prior to, simultaneously with, or following any other remedy or penalty.

Section 3. Comprehensive Emergency Management Plan:

- A. Pursuant to the Saratoga County Comprehensive Emergency Management Plan, the

Chief Executive and the Saratoga County Director of Emergency Management shall activate and initiate all processes necessary to effectuate the provisions of this Local Emergency Order.

Section 4. Severability:

- A. If any clause, sentence, paragraph or part of this Local Emergency Order shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Local Emergency Order so adjudged to be invalid.

Section 5. Effective Date and Expiration:

- A. This Local Emergency Order shall take effect immediately and shall remain in effect for a period of five (5) days. This Local Emergency Order may be renewed for additional periods of five (5) days each.

This Local Emergency Order shall be executed in quadruplicate and filed within seventy-two hours or as soon thereafter as practicable in the office of the Clerk of Boards of Legislators, the office the County Clerk, the New York Secretary of State, and the New York State Office of Emergency Management withing the Division of Homeland Security and Emergency Services.

GIVEN, under my hand and the Seal of the County of Saratoga this 29th of May, in the year Two Thousand Twenty-Three.

COUNTY OF SARATOGA



THEODORE T. KUSNIERZ, JR.
CHAIRMAN, BOARD OF SUPERVISORS