

DECLARATION OF A LOCAL STATE OF EMERGENCY

Schuyler County Sustainable Migration Plan

I, **Carl H. Blowers**, Chair of the County Legislature of the County of Schuyler, State of New York, do hereby declare as an **EXECUTIVE ORDER** the following:

WHEREAS, there is a national immigration crisis at the border between the United States and Mexico in that unprecedented and overwhelming numbers of illegal immigrants, migrants and/or asylum seekers are crossing over the open border of the United States; and

WHEREAS, over the past several months, tens of thousands of illegal aliens have arrived in New York City; and

WHEREAS, the Mayor of the City of New York, Eric Adams, has declared the increase in illegal aliens in that City to be a humanitarian crisis; and

WHEREAS, the U.S. Department of Health and Human Services, under President Joe Biden, is planning for the federal Public Health Emergency for COVID-19 to expire on May 11, 2023; and

WHEREAS, upon the expiration of the federal Health Emergency for COVID-19, the Centers for Disease Control and Prevention order under Title 42, which suspended the allowance of certain persons traveling from Canada or Mexico, also expires on May 11, 2023; and

WHEREAS, with the lifting of the Title 42 order, the Mayor of the City of New York expects an even larger influx of illegal aliens and has put in place plans to send illegal aliens from the City of New York to other areas throughout the State of New York; and

WHEREAS, as of the 2020 census, the population of Schuyler County was 17,898, making the County the second-least populous county in New York and, therefore, especially sensitive to any change in population, with even a small increase in the number of persons within the County potentially constituting a significant increase; and

WHEREAS, the County of Schuyler does not have the capacity or resources to receive and sustain an significant increase in the number of illegal immigrants, migrants and/or asylum seekers; and

WHEREAS, based on the foregoing and other relevant considerations, the immediate danger of a significant increase in the number of illegal aliens, migrants and/or asylum seekers entering the County of Schuyler imperils the public safety within the County of Schuyler; and

WHEREAS, on May 9, 2023, New York State Governor Kathy Hochul issued an Executive Order, Executive Order 28, which order the Governor's office maintains¹ will "boost Support for Asylum Seekers by expanding state and municipal procurement capabilities and increasing capacity of national guard to provide logistical support;" and

¹ <https://www.governor.ny.gov/news/title-42-expires-governor-hochul-issues-executive-order-providing-state-and-municipalities>

WHEREAS, the County of Schuyler is bordered to its east by the County of Tompkins, which county effectively declared itself a “sanctuary county,” under a February 21, 2017 resolution of the Tompkins County Legislature, entitled “ Public Safety for All,” and which county contains, within its borders, the City of Ithaca, which city has adopted a local ordinance, “Human Rights Protection, Article VI, Sanctuary City,” which provides for, among other prohibitions, the prohibition of various enforcement activities for purpose of enforcing federal immigration laws; and

WHEREAS, I have reason to believe that illegal immigrants, migrants and/or asylum seekers could be transported to Schuyler County; and there is no reason to believe that these migrants or asylum seekers will leave Schuyler County; and

WHEREAS, there is a reasonable apprehension of immediate danger of public emergency of significant numbers of persons being transported to Schuyler County and that Schuyler County will be responsible for the public safety and public health of these persons and all others effected in Schuyler County; and

WHEREAS, The County of Schuyler is not capable of receiving and sustaining any significant volume of migrants and asylum seekers, whose presence will spike the number of people in need of government services at all levels of government in the County; and

WHEREAS, there is no legal basis to provide adequate services to these illegal immigrants, migrants and/or asylum seekers by the County's Department of Social Services because of their age and immigration status; and

WHEREAS, The County of Schuyler anticipates potential civil disobedience and protesting on this issue both for and against the transportation of illegal immigrants, migrants and/or asylum seekers to Schuyler County; and

WHEREAS, that due to the above circumstances, I find reasonable apprehension of the immediate danger thereof that public safety and public health is imperiled thereby, for not only the illegal immigrants, migrants and/or asylum seekers, but also to the other affected residents of Schuyler County; and

WHEREAS, pursuant to NYS Executive Law § 24, when a State of Emergency is in effect, the Chair of the County Legislature may promulgate local emergency orders to protect life and property or to bring the emergency situation under control, and by law, upon reconsidering all the relevant facts and circumstances, such an order may be extended for additional periods not exceeding five days each during the pendency of the state of emergency; and

WHEREAS, if it were allowed for the City of New York or other municipalities to flood the County with persons needing services, as described in this Declaration, this crisis would only worsen.

NOW, THEREFORE, I, CARL H. BLOWERS, Chair of the Schuyler County Legislature, by virtue of the authority vested in me as Chief Executive of Schuyler County, do hereby **find and order** as follows:

Section 1. The local State of Emergency

A Local State of Emergency is hereby declared to exist within the County of Schuyler and shall remain in effect unless it is terminated, rescinded, or modified at an earlier date.

Section 2. Prohibition of foreign municipal programs that burden the County.

- A. No municipality may make contracts with persons, businesses, or entities doing business within the County to transport illegal immigrants, migrants and/or asylum seekers to locations in the County, or to house such persons at locations in the County for any length of time without the express written permission of the County. In addition, no person or entity may act on behalf of any municipality or in performance of a municipal program, or other act funded by a municipality, to perform an act in violation of this subsection.

- B. No hotel, short-term rental, motel, or owner of a multiple dwelling in Schuyler County is permitted to contract or otherwise engage in business with any “foreign municipality” (defined as “any municipality other than the County of Schuyler”) for the purpose of providing housing or accommodations for illegal immigrants, migrants and/or asylum seekers without a license granted by the County.
 - 1. Licenses will be granted only by the Public Health Director of the Schuyler County Department of Health, subject to review by the County’s Board of Health. The Director may enlist the services of any other agency within County government to perform the duties necessary to effect this provision.
 - 2. Licenses will only be granted where, to the satisfaction of the Director, and subject to review by the County Board of Health, both the applicant and the foreign municipality, demonstrate that:
 - a. The contract provides that the illegal immigrants, migrants and/or asylum seekers will be returned to the foreign municipality from which they arrived or another location outside the County within fifteen (15) days; and
 - b. The foreign municipality demonstrates to the County that it has sufficient funding to sustain the needs of the illegal immigrants, migrants and/or asylum seekers during the time of their stay; and
 - c. The foreign municipality agrees to assume any costs expended by any municipality in the County (“domestic municipalities”) including the County itself, for the care, welfare, law enforcement interactions, or other expenses related to municipal interaction with the illegal immigrants, migrants and/or asylum seekers upon demand; and

- d. The applicant and the foreign municipality each have a performance bond for the conditions set by the license in the amount of \$2,000 per illegal immigrants, migrants and/or asylum seekers being housed or boarded at the applicant's facility.
3. The conditions described in this section will not apply to any contract directly between the foreign municipality and the County, duly approved by the Schuylar County Legislature.
4. License renewal will be at the sole discretion of the Director, and subject to review by the County's Board of Health, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

C. Remedies.

1. Appearance tickets. The Sheriff is authorized to issue appearance tickets for any violation of this Emergency Order for the penalty prescribed by NYS Executive Law § 24(5), to wit, a class B misdemeanor, prosecutable in the courts of this state pursuant to the Criminal Procedure Law of the State of New York (see Section 3, Penalties, below).
2. Civil penalties. In addition to those penalties prescribed by NYS Executive Law § 24(5), any person who violates any provision of this Emergency Order or any term or condition of any license issued pursuant to this Emergency Order, shall be liable to a civil penalty, of not more than \$2,000 per migrant/asylum seeker housed by the foreign municipality or other violator, for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this County and initiated by the County Attorney.
3. Abatement. Regardless of any other remedy or relief brought by the County for any violation, the County Attorney is and shall be authorized to commence actions or proceedings in the name of the County, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this Emergency Order. The County Attorney may enlist the services of any other agency within County government to perform the duties necessary to effect this provision.

D. Remedies not exclusive.

1. No remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedy available to address any violation described in this Emergency Order.

2. Each remedy or penalty specified in this Emergency Order shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Emergency Order or in any other applicable law.
3. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Emergency Order or in any other applicable law.
4. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in NYS Executive Law § 24, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in NYS Executive Law § 24.

E. Notifications. In addition to such other powers or duties the Sheriff of Schuyler County may consider in the exercise of the Sheriff's duties with respect to this Emergency Order, the Sheriff is authorized and directed by this order to make limited stops to notify persons suspected of transporting migrants or asylum seekers into the County in violation of the restrictions and regulations of this Emergency Order, and to similarly, notify the owners and operators of facilities suspected of housing any migrants or asylum seekers, or seeking or entering agreements with external municipalities, without the license required by this Emergency Order.

Section 3. Penalties.

In accordance with Executive Law Section § 24, any person who knowingly violates the provisions of this order shall be guilty of a Class B Misdemeanor.

Section 4. Effective Date

This Executive Order shall take effect immediately.

Section 5. Duration of Local Emergency Order

The Local Emergency Order shall remain in effect for five days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five days during the pendency of the local state of emergency.

Section 6. Public Notice, Execution, and Filing.

This Local Emergency Order shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast. This Local Emergency Order shall be executed in quadruplicate and shall be filed within seventy-two hours or as soon thereafter as

practicable in the office of the clerk of the Schuyler County Legislature, the office of the county clerk, the office of the secretary of state and the state office of emergency management within the division of homeland security and emergency services.

GIVEN, under my hand and the Seal of the County of Schuyler in Village of Watkins Glen, this 11th Day of May, in the year Two Thousand Twenty-Three.

COUNTY OF SCHUYLER

S/ Carl H. Blowers

Hon. Carl H. Blowers
Chair of the County Legislature