

Monroe County
Clerk of the Legislature

Jack Moffitt
Clerk



David Grant
Deputy Clerk

MEMORANDUM

TO: Legislators, Directors, Staff and Media
FROM: Jack Moffitt, Clerk of the Legislature *JM*
DATE: February 13, 2020
RE: Matter of Importance – File No. 20-0088

20-0088 - Enact a Local Law to Repeal Local Law No. 9 of 2019 (Intro. No. 297 of 2019), Entitled “Prohibited Harassment of a Police Officer, Peace Officer or First Responder in Monroe County” – As a Matter of Importance – Democratic Minority Leader Vincent R. Felder and Legislator Karla F. Boyce

This referral was not made to committee at the preceding meeting of the Legislature on February 11, 2020, but has been determined by President Dr. Joe Carbone to be of sufficient importance to warrant referral between Legislative meetings, pursuant to Section 545-24 (C) of the Rules of the Monroe County Legislature.

Attachments



Monroe County Legislature

VINCENT R. FELDER
MINORITY LEADER

KARLA F. BOYCE
LEGISLATOR – DISTRICT 5

February 13, 2020

To The Honorable
Monroe County Legislature
39 West Main Street
Rochester, New York 14614

OFFICIAL FILE COPY
No. 200088
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
AGENDA/CHARTER -L

**RE: Enact a Local Law to Repeal Local Law No. 9 of 2019 (Intro. No. 297 of 2019),
Entitled “Prohibited Harassment of a Police Officer, Peace Officer or First
Responder in Monroe County”**

Honorable Legislators:

Last year, this Honorable Body adopted a Republican sponsored local law on a party-line vote, aimed at further deterring harassment towards first-responders. The intent of the sponsors was to improve the safety of first-responders. They recognized that first-responders answer the call each day – often putting themselves in harm’s way. They sought to provide additional protections to ensure they return to home safely at the end of each day.

While the intentions behind the local law were genuine, there were valid, unforeseen concerns and consequences. Never was the intention to undermine police-community relations nor disparage minorities and persons of color. These negative impacts undermine the true intent of the law, which was to improve the overall safety of the community and first-responders.

Public feedback holds a significant weight on the matters considered by this Honorable Body. In the month that lapsed between when this local law and first introduced (October 8, 2019) and its adoption (November 12, 2019), there was limited feedback with only two individuals speaking at the Public Hearing held prior to adoption. It was not until after adoption of the local law that this Honorable Body received much of the negative feedback. Of additional concern, the perceived vagueness of the local law by the public and law enforcement could potentially criminalize constitutionally protected conduct.

Therefore, in light of additional legal research and further community conversations, we are recommending that this Honorable Body repeal Local Law No. 9 of 2019 (Intro. No. 297 of 2019), entitled “Prohibited Harassment of a Police Officer, Peace Officer or First Responder in Monroe County.”

The specific legislative actions required are:

1. Schedule and hold a Public Hearing on the proposed Local Law.
2. Enact a Local Law to Repeal Local Law entitled “Prohibited Harassment of a Police Officer, Peace Officer or First Responder in Monroe County.”

This action is a Type II Action pursuant to 6 NYCRR § 617.5 and is not subject to review under the State Environmental Quality Review Act.

This proposal will have no associated cost and no impact upon the expenditures and revenues of the Monroe County Budget.

Respectfully Submitted,



Vincent R. Felder
Minority Leader
District 22



Karla F. Boyce
Monroe County Legislator
District 5

By Legislators _____ and _____

Intro. No. _____

LOCAL LAW NO. ____ OF 2020

ENACTING LOCAL LAW TO REPEAL LOCAL LAW NO. 9 OF 2019 (INTRO. NO. 297 OF 2019), ENTITLED "PROHIBITED HARASSMENT OF A POLICE OFFICER, PEACE OFFICER OR FIRST RESPONDER IN MONROE COUNTY"

BE IT ENACTED BY THE LEGISLATURE OF MONROE COUNTY, as follows:

Section 1. Monroe County Local Law No. 9 of 2019 (Intro No. 297 of 2019), entitled "Prohibited Harassment of a Police Officer, Peace Officer or First Responder in Monroe County," is hereby repealed.

Section 2. This local law shall take effect immediately upon filing in the office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Agenda/Charter Committee; February 24, 2020 – CV: ____ - ____
File No. 20-_____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____