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By Legislators Dondorfer and Delehanty

Intro. No. ____

RESOLUTION NO. ____ OF 2022

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. ____ OF 2022)
ENTITLED "WAIVER OF RESIDENCY REQUIREMENT FOR MONROE COUNTY
JAIL DEPUTIES"**

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

Section 1. That there will be a public hearing at 6:16 P.M. on the 15th day of November, 2022, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. ____ of 2022) entitled "Waiver of Residency Requirement for Monroe County Jail Deputies".

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

File No. 22-0353.LL

ADOPTION: Date: _____ Vote: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

October 11, 2022

OFFICIAL FILE COPY	
No. <u>220353</u>	
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
URGENT	-L

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Enact a Local Law Entitled "Waiver of Residency Requirement for Monroe County Jail Deputies"

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body enact a local law entitled "Waiver of Residency Requirement for Monroe County Jail Deputies."

Over the course of the past year, staffing levels at the Monroe County Jail for the position of Deputy Sheriff Jailer ("Deputy Jailer") have reached a critical level. The Monroe County Sheriff's Office has encountered significant difficulty in both recruiting and retaining qualified Deputy Jailors. The volume of individuals taking civil service examinations for Deputy Jailer has significantly decreased. The new civil service list, after the written examination and agility test have been conducted, includes only 44 eligible individuals, whereas in past years that number would have been four or five times higher. Traditionally, less than half of the candidates make it through the vetting and background process. There are currently fifty-six (56) Deputy Jailer vacancies in the Monroe County Jail. There are also twelve (12) Deputy Jailors who are scheduled to transfer to the road patrol or other local police agencies and an additional fifty (50) Deputy Jailors will be eligible for retirement in the coming year.

Currently, Deputy Jailors are required to reside in Monroe County. The proposed local law will help to ease staffing levels among Deputy Jailors and will allow Deputy Jailors to reside not only in Monroe County, but in any other county within New York. Several other counties in our region have enacted local laws with residency waivers in order to increase staffing levels for jailors. With the closing of state correctional facilities, Monroe County would like to attract mid-career correctional officers from the state who are interested in joining Monroe County as Deputy Jailors as well as other qualified candidates who do not reside in Monroe County. This local law will allow Monroe County to recruit qualified candidates for the Monroe County Jail at a time when staffing levels are critically low.

The specific legislative action required is:

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law entitled "Waiver of Residency Requirement for Monroe County Jail Deputies."

This action is a Type II Action pursuant to 6 NYCRR §617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

No additional net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Bello", written over the word "Sincerely,".

Adam J. Bello
Monroe County Executive

By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. ____ OF 2022

**ENACT A LOCAL LAW ENTITLED "WAIVER OF RESIDENCY REQUIREMENT
FOR MONROE COUNTY JAIL DEPUTIES"**

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

Section 1. A new chapter shall be added as Chapter 390 of the Monroe County Code entitled "Waiver of Residency Requirement for Monroe County Jail Deputies" and shall read as follows:

§ 1 Definitions. Defined terms used in this local law shall have the same meaning as ascribed to them below:

COUNTY shall mean Monroe County.

JAIL DEPUTY shall mean an individual employed by the Monroe County Sheriff's Department as a Deputy Sheriff Jailer or Corrections Officer in the Monroe County Jail.

§ 2 Residency Requirement. Public Officers Law § 3, as amended or changed, is hereby amended and superseded in its application to the County as follows: provisions of Public Officers Law § 3, as amended or changed, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or which his or her official functions are required to be exercised, shall not prevent a person from holding the position of Jail Deputy, provided that such person resides within New York State.

Section 2. If any clause, sentence, paragraph, subdivision, section, or part of this 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 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 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

_____, Committee; _____, 2022 - CV:
File No. 22-____.LL

ADOPTION: Date: _____

Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____