

By Legislators Johns, Dondorfer and Smith

Intro. No. ____

RESOLUTION NO. ____ OF 2023

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. ____ OF 2023) ENTITLED
“WAIVER OF RESIDENCY REQUIREMENT FOR MONROE COUNTY ROAD PATROL
DEPUTIES”**

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

Section 1. That there will be a public hearing at 6:15 P.M. on the 9th day of May, 2023, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. ____ of 2023) entitled “Waiver of Residency Requirement for Monroe County Road Patrol 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. 23-0097.LL

ADOPTION: Date: _____ Vote: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

March 10, 2023

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 Road Patrol Deputies"

Honorable Legislators:

This matter is being jointly submitted by myself and Sheriff Todd K. Baxter. I recommend that Your Honorable Body enact a local law entitled "Waiver of Residency Requirement for Monroe County Road Patrol Deputies."

Over the past five years, the pool of applicants for the position of Monroe County Deputy Sheriff-Road Patrol ("Road Patrol Deputy") has significantly decreased. Currently, Road Patrol Deputies are required to reside in Monroe County. All other law enforcement agencies in Monroe County allow their officers to reside outside of the County or the jurisdiction where they serve. Because of this requirement, Monroe County loses highly-qualified applicants to other local police agencies. Lateral candidates, many of whom have established homes and children in local schools, are reluctant to consider transferring to the Monroe County Sheriff's Office because of the residency requirement.

The proposed local law will help ease staffing levels among Road Patrol Deputies and allow deputies to reside in Monroe County or any other adjoining county. Furthermore, this local law will enable the Sheriff's Office to be competitive with other local law enforcement agencies in the recruitment of qualified Road Patrol Deputies.

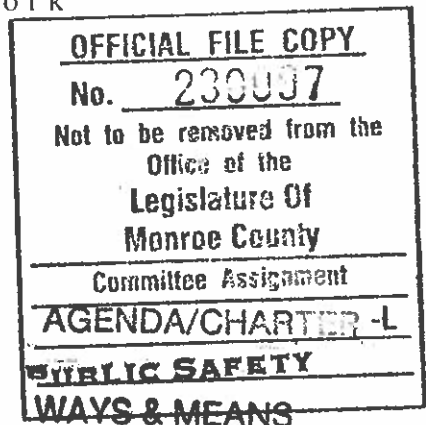
This action is a Type II Action pursuant to 6 NYCRR §617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review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

Enactment of this Local Law will have no impact on the revenues or expenditures of the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable body.

Sincerely,

Adam J. Bello
Monroe County Executive



By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. ____ OF 2023

**ENACT A LOCAL LAW ENTITLED “WAIVER OF RESIDENCY REQUIREMENT
FOR MONROE COUNTY ROAD PATROL DEPUTIES”**

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

Section 1. A new chapter shall be added as Chapter 391 of the Monroe County Code entitled “Waiver of Residency Requirement for Monroe County Road Patrol 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.

ROAD PATROL DEPUTY shall mean an individual employed by the Monroe County Sheriff's Office as a Deputy Sheriff-Road Patrol.

§ 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 Deputy Sheriff-Road Patrol, provided that such person resides in Monroe County or any adjoining county within New York.

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; _____, 2023 - CV:
File No. 23-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____