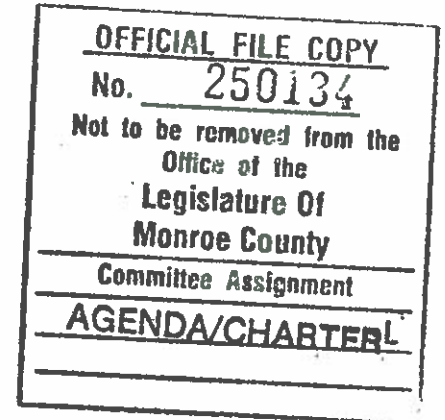




Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive



April 4, 2025

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 Attorneys Employed by Monroe County"

Honorable Legislators:

I recommend that Your Honorable Body enact a local law entitled "Waiver of Residency Requirement for Attorneys Employed by Monroe County." This Local Law would assist our District Attorney's Office, Law Department, Public Defender's Office, and Conflict Defender's Office in attracting and retaining qualified candidates for attorney positions.

Our Monroe County legal offices have all experienced losing attorney staff to other counties, or being unable to recruit qualified candidates due to our residency requirement. Our neighboring counties generally do not require attorney staff to live within the county in which they serve. This Local Law would allow Monroe County to attract a broader pool of applicants and remain competitive with neighboring counties by permitting attorneys employed by the County to reside in either Monroe County or an adjoining county, while still ensuring that senior leadership positions in each of the County legal offices are required to reside in Monroe County.

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 Attorneys Employed by Monroe County."

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 2025

ENACT A LOCAL LAW ENTITLED “WAIVER OF RESIDENCY REQUIREMENT FOR ATTORNEYS EMPLOYED BY MONROE COUNTY”

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

Section 1. A new chapter shall be added as Chapter 392 of the Monroe County Code entitled “Waiver of Residency Requirement for Attorneys Employed by Monroe County” 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.

ATTORNEY shall mean an individual employed by Monroe County as an Assistant District Attorney, a Deputy County Attorney, an Assistant Public Defender, or an Assistant Conflict Defender, provided however that for purposes of this Chapter it shall not mean anyone in a position in Pay Group 22 or above.

§ 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 in which his or her official functions are required to be exercised, shall not prevent a person from being employed as an Attorney by the County, provided that such person resides in the County or any adjoining county 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; _____, 2025 - CV:
File No. 25-_____.LL

ADOPTION: Date: _____

Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____

VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____