

RESOLUTION NO. 427

LOCAL LAW INTRODUCTORY NO. 4, YEAR 2021 OF THE COUNTY OF GENESEE, NY, TO EXPAND THE RESIDENCY TERRITORIAL AREA TO EMPLOY DEPUTY SHERIFF - SEASONALS

Legislator Maha offered the following resolution:

WHEREAS, Section 3(1) of the Public Officer Law states that no person shall be capable of holding a civil office, which includes Deputy Sheriffs, unless at the time he or she shall be chosen for employment they are a permanent resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, and

WHEREAS, the Legislature intends to expand the residency territorial area for a Deputy Sheriff - Seasonals beyond the County of Genesee as set for herein.

WHEREAS, the following proposed Local Law Introductory No. 4, Year 2021, was duly introduced to the Genesee County Legislature in accordance with the Law: **LOCAL LAW INTRODUCTORY NO. 4, YEAR 2021, OF THE COUNTY OF GENESEE, NEW YORK, TO EXPAND THE RESIDENCY TERRITORIAL AREA TO EMPLOY DEPUTY SHERIFF - SEASONALS**

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. Legislative Intent

The County of Genesee Legislature hereby finds that in order to ensure an adequate pool of qualified applicants as Deputy Sheriff – Seasonals as defined herein, it is necessary and advisable that such Deputy Sheriff – Seasonals may be permitted to reside within the County of Genesee or any county contiguous to the County of Genesee.

Section 2. Definitions for the purposes of this Local Law:

- a. “Deputy Sheriff-Seasonal” shall mean an active or retired Deputy Sheriff/Police Officer who shall be employed at the discretion of the Sheriff for a fixed period of time not to exceed ninety (90) days to work for a specific purpose. All Deputy Sheriff - Seasonals are required to be fully trained with New York State Police Officer certification.

Section 3. Supersede Public Officers Law

The residency provisions of Section 3(1) of the Public Officers Law and any general, special or local law, charter, code, ordinance, resolution, rule or regulations, that would require a Deputy Sheriff – Seasonal to permanently reside in Genesee County at the time of appointment is hereby superseded to allow a Deputy Sheriff – Seasonal at the time of appointment to reside in the County of Genesee or any county contiguous to the County of Genesee: namely, Erie, Niagara, Orleans, Monroe, Livingston, or Wyoming Counties.

Section 4. Severability

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 judgement shall not affect, impair, effect 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 judgement shall be rendered.

Section 5. Effective Date

This Local Law shall take effect upon proper filing with the Office of the Secretary of State.

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number 4, Year 2021, and

WHEREAS, a Public Hearing was held at 5:30 on October 27, 2021 in the Legislative Chambers of the Old Courthouse, Batavia, New York, at which time all interested persons who wished to speak were heard; Now, therefore, Be it

RESOLVED, that “**LOCAL LAW INTRODUCTORY 4, YEAR 2021, OF THE COUNTY OF GENESEE, NEW YORK, TO EXPAND THE RESIDENCY TERRITORIAL AREA TO EMPLOY DEPUTY SHERIFF - SEASONALS**” be known as Local Law No. 6, Year 2021, for the County of Genesee as introduced October 6, 2021, be and hereby is adopted.

Legislator Clattenburg seconded the resolution, which was adopted by 326 votes.

**State of New York
County of Genesee**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee County Legislature on the 27 day of October 2021.
Dated, Batavia, New York

October 28, 2021



Clerk of the Genesee County Legislature

