

RESOLUTION NO. 428

LOCAL LAW INTRODUCTORY NO. 5, YEAR 2021 OF THE COUNTY OF GENESEE, NY, TO EXTEND THE PERMANENT RESIDENCY REQUIREMENT TIMEFRAME TO EMPLOY LATERAL TRANSFERS AS DEPUTY SHERIFFS

Legislator Dibble 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 permanent residency requirement timeframe for a lateral Police Officer transfer to a Genesee County Deputy Sheriff as set for herein.

WHEREAS, the following proposed Local Law Introductory No. 5, Year 2021, was duly introduced to the Genesee County Legislature in accordance with the Law: **LOCAL LAW INTRODUCTORY NO. 5, YEAR 2021 OF THE COUNTY OF GENESEE, NY, TO EXTEND THE PERMANENT RESIDENCY REQUIREMENT TIMEFRAME TO EMPLOY LATERAL TRANSFERS AS DEPUTY SHERIFFS**

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 Sheriffs, it is necessary and advisable that such Police Officers eligible for lateral transfers may be permitted to establish permanent residency in the County of Genesee within six months of appointment.

Section 2. Qualifications:

In order to be eligible to become a lateral transfer from another New York State jurisdiction, at the time of appointment as a Deputy Sheriff in the County of Genesee, a Police Officer must meet the following qualifications:

- a. Be currently employed in a New York State police title that is eligible to transfer to municipal police positions.
- b. Be fully trained and certified by New York State as a Police Officer
- c. Meet the residency requirements as set for herein
- d. Meet all other requirements of the County of Genesee for the position of a Deputy Sheriff
- e. Establish permanent residency in the County of Genesee within six months following appointment

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 Police

Officer from another NYS jurisdiction to be a permanent resident in Genesee County prior to appointment as a Deputy Sheriff in Genesee County is hereby superseded to require a Police Officer who is eligible for a lateral transfer to establish such permanent residency in Genesee County within six months after appointment as a Deputy Sheriff of Genesee County.

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 5, Year 2021, and

WHEREAS, a Public Hearing was held at 5:30 pm 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

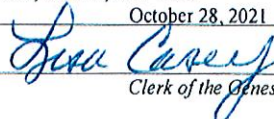
RESOLVED, that **“LOCAL LAW INTRODUCTORY NO. 5, YEAR 2021 OF THE COUNTY OF GENESEE, NY, TO EXTEND THE PERMANENT RESIDENCY REQUIREMENT TIMEFRAME TO EMPLOY LATERAL TRANSFERS AS DEPUTY SHERIFFS”** be known as Local Law No. 7 Year 2021, for the County of Genesee as introduced October 6, 2021, be and hereby is adopted.

Legislator Maha 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

