



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
REGULAR MEETING AGENDA

MEETING DATE: April 25, 2023

AGENDA ITEM SECTION: Resolutions

AGENDA ITEM NO. : 9

AGENDA ITEM:

Resolution: Consider a resolution adopting a Home Rule request asking the State Legislature to adopt Senate Bill No. S-4715

ITEM BACKUP DOCUMENTATION:

1. Draft resolution
2. Home Rule filing for Senate Bill No. S-4715

RESOLUTION XX-2023

**RESOLUTION ADOPTING A HOME RULE REQUEST ASKING THE STATE
LEGISLATURE TO ADOPT SENATE BILL NO. S 4715**

WHEREAS, due to a clerical error, a certain Police Officer who was formerly employed by the Village of Dobbs Ferry was incorrectly placed in the wrong retirement plan instead of the optional plan provided by Section 384-d of the Retirement and Social Security Law to which he was entitled; and

WHEREAS, the Police Officer desires to be included in the optional twenty year retirement plan and the Village Board is in favor of such inclusion; and

WHEREAS, since the Village does not have the authority to enact such legislation by local law, the Village must request that the State act on the matter through the adoption of a Home Rule Request; and

WHEREAS, the Home Rule Request will allow the Village of Dobbs Ferry to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Gabriel Bonilla.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby adopt a Home Rule Request asking the state legislature to adopt Senate Bill No. S-4715 entitled “AN ACT to authorize the Village of Dobbs Ferry to offer an optional twenty year retirement plan to a certain police officer formerly employed by such Village.”

IMPORTANT: READ INSTRUCTIONS ON REVERSE SIDE
HOME RULE REQUEST
(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the VILLAGE of _____ of
DOBBS FERRY requests the enactment of ~~Assembly~~ ^{Senate} bill (no. S-4715),
(name) (county, city, town or village) (strike out one)

entitled "

AN ACT TO AUTHORIZE THE VILLAGE OF DOBBS FERRY TO OFFER AN
OPTIONAL TWENTY YEAR RETIREMENT PLAN TO A CERTAIN POLICE
OFFICER FORMERLY EMPLOYED BY SUCH VILLAGE "

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

- ☒ The local government does not have the power to enact such legislation by local law.
☐ Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

THIS BILL WILL ALLOW THE VILLAGE OF DOBBS FERRY TO REOPEN
THE PROVISIONS OF SECTION 384-D OF THE RETIREMENT AND SOCIAL
SECURITY LAW FOR POLICE OFFICER GABRIEL BONILLA

Such request is made by: (Check appropriate box)

- ☐ The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)
☒ The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

- A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, *both* the chief executive officer *and* the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.
B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, *only* the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed).....
(chief executive officer)

VINCENT ROSSILLO
(Print or type name below signature)

Date: APRIL 25, 20 23.

M. AYOR
(Title of chief executive officer)

CLERK'S CERTIFICATION

I, ELIZABETH A. DREAPER, do hereby certify that I am Clerk of the _____
(print or type name) (local legislative body)

BOARD OF TRUSTEES of the VILLAGE
(county, city, town or village)

of DOBBS FERRY and that on the 25TH day of APRIL,
(name)

20 23, such legislative body, at least ~~a majority~~ ^{two-thirds} of the total membership having voted in favor thereof, approved the foregoing request.
(strike out one)

(SEAL OF LOCAL
GOVERNMENT)

(Signed).....
(clerk)

ELIZABETH A. DREAPER, RMC
(Print or type name below signature)

VILLAGE CLERK.

Date: APRIL 25, 20 23.

INSTRUCTIONS

Copies required:

Two signed copies of this form, specifying the final bill number and title must be filed with *each* House of the Legislature.

Examples:

- (a) If the bill has been introduced in only *one* House of the Legislature, four copies of the request form must be filed, i.e., two with the Senate and two with the Assembly.
- (b) If the identical bill has been introduced in *both* Houses, eight copies of the request form must be filed, i.e., two with the Senate and two with the Assembly for the Senate bill and the same for the Assembly bill.

Date of request:

The signing of a home rule request or the adoption of a resolution by the local legislative body approving such request cannot precede the date on which the bill is actually introduced in the Legislature. In the case of prefiled bills, the actual date of introduction is the first day of the legislative session. The request may be signed or the resolution adopted the same day as the date of introduction.

Amended bills:

Each time the bill is amended a new request must be filed (with the appropriate number of copies) and the new request must correctly identify the bill number as last amended. The signing of the request, and the date of the supporting resolution, cannot precede the date of the amendment.

Transmittal:

The signed forms should be sent as follows:

To the Senate:

Home Rule Counsel
Senate Post Office
208 Legislative Office Building
Albany, N. Y. 12247

To the Assembly:

Home Rule Counsel
Assembly Post Office
210 Legislative Office Building
Albany, N. Y. 12248

Definition of terms:

Chief executive officer.

In the case of a county, the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors; in the case of a city or village, the mayor (not manager); and in the case of a town, the supervisor. (Municipal Home Rule Law §40)

Local legislative body.

The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances. (Municipal Home Rule Law §2)

Local government.

A county, city, town or village (Const. Art. IX, §3; Municipal Home Rule Law §2)

Special law

A state statute which in terms and in effect applies to one or more, but not all, counties (other than those wholly included within a city) cities, towns or villages. (Const. Art. IX §3; Municipal Home Rule Law §2)

Total membership.

The total voting power of a legislative body. (Municipal Home Rule Law, § 20, 40)