



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: NOVEMBER 9, 2021
AGENDA ITEM SECTION: PUBLIC HEARINGS
AGENDA ITEM NO. : 1
AGENDA ITEM: INTRODUCTORY LOCAL LAW AMENDING RESIDENCY REQUIREMENTS FOR APPOINTED PUBLIC OFFICIALS
ITEM BACKUP DOCUMENTATION: <ul style="list-style-type: none">1. PUBLIC HEARING LEGAL NOTICE2. INTRODUCTORY LOCAL LAW AMENDING RESIDENCY REQUIREMENTS FOR APPOINTED PUBLIC OFFICIALS3. DRAFT RESOLUTION



VILLAGE OF DOBBS FERRY

112 Main Street
Dobbs Ferry, New York 10522
TEL: (914) 231-8500 • FAX: (914) 693-3470

PLEASE TAKE NOTICE that the Dobbs Ferry Village Board of Trustees will conduct a public hearing at Village Hall, 112 Main Street on Tuesday, November 9, 2021 at 6:30 p.m., or as soon thereafter as the matter may be heard, to receive public comment on an Introductory Local Law which proposes to amend Chapter 78 of the Code by exercise of home rule powers to comprehensively amend the residency requirements for appointed public officials as a means to enhance the Village's ability to choose from among the greatest pool of qualified candidates.

The hearing will be conducted in the Board Room using a hybrid method combining in-person and virtual attendance in keeping with the Village's goal of protecting public health and in compliance NYS Part E, Chapt. 147 of the Laws of 2021 permitting virtual participation by Board Members. For virtual participation, interested parties may be heard using Zoom, a web-based videoconferencing service which can be accessed by: (i) typing "join.zoom.us" on your web browser and entering the Webinar ID #205 957 953, Passcode: 309361; or (ii) using the direct link

<https://zoom.us/j/205957953?pwd=aU5YNHJVYkxub2lWN0RzQUZoVzROU09;> or (iii) dialing telephone number 929 205 6099. Parties may also provide written comments in advance of the hearing to the Village Clerk, 112 Main Street or by e-mail ldreaper@dobbsferry.com. Further details on the proposed local law and instructions for participation may be found online at the Village of Dobbs Ferry website www.dobbsferry.com

BY ORDER OF THE BOARD OF TRUSTEES

Dated: October 27, 2021

Elizabeth Dreaper
Village Clerk

INTRODUCTORY LOCAL LAW AMENDING RESIDENCY REQUIREMENTS FOR APPOINTED PUBLIC OFFICIALS

A LOCAL LAW to comprehensively amend residency requirements for appointed public officials in the Village of Dobbs Ferry:

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Legislative Intent. The Village Board of Trustees seeks to amend the Village Code to provide for a broader opportunity for the appointment of public officials by comprehensively amending residency requirements.

Section 2. Chapter 78 of the Code of Dobbs Ferry is hereby deleted in its entirety and replaced with the following:

CHAPTER 78 RESIDENCY REQUIREMENTS.

§ 78-1 Finding and Purpose.

The Board of Trustees finds that, due to the relatively small population of the Village of Dobbs Ferry, it is not always possible to fill certain appointive offices in Village government requiring municipal, administrative or financial expertise with Village residents who are duly qualified to hold such positions. The purpose of this chapter is to establish the residency requirements for all appointed public officials within the Village of Dobbs Ferry.

§ 78-2 Legislative authority.

This article is adopted pursuant to the provisions of §10(1)(ii)(a)(1) of the Municipal Home Rule Law of the State of New York, which grants to local governments the authority to enact local laws regarding the qualifications of local officers which are not inconsistent with general state statutes. Furthermore, this chapter recognizes that the State Legislature amended §3 of the Public Officers Law of the State of New York by adding a new subdivision, numbered 10, exempting any appointed public officer in the Village of Saltaire, New York, from the required residency

requirements, and allowing any such appointed public officers to reside anywhere in the State of New York. This amendment by the State Legislature, therefore, has rendered §3 of the Public Officers Law, in its coverage of appointed Village officers, a special rather than a general law, since in establishing residency requirements for appointed Village officers it did not, in terms and in effect, apply alike to all villages of the state.

§ 78-3 Residency requirements established.

Any person holding an appointed public office within the Village of Dobbs Ferry need not be a resident or an elector of the Village of Dobbs Ferry, provided, however, that such person shall reside within the State of New York or any county adjoining Westchester County, except that all members of local Village boards and commissions shall remain residents of the Village of Dobbs Ferry.

§ 78-4 Statutory provisions superseded.

This chapter shall supersede, in its application to the Village of Dobbs Ferry, Village Law §3-300, Public Officers Law §3 and Public Officers Law §30.

Section 3. Section 4-2 of the Code of Dobbs Ferry is hereby amended as follows, with new matter underlined and deleted matter struck and in [brackets]:

§ 4-2. Appointment; term; qualifications; residency.

The Village Administrator shall be appointed by the Board of Trustees upon the recommendation of the Mayor for an indefinite term and shall remain in the position at the pleasure of said Board of Trustees. The Administrator shall be chosen by the appointing authority without regard to the appointee's political beliefs and solely on the basis of the appointee's training and experience, with special reference to actual experience or knowledge of the responsibilities and duties of the position as hereinafter set forth. ~~[At the time of appointment, the Administrator need not be a resident of the Village or the State of New York but shall become a resident of the Village or a resident of Westchester County within six months after appointment and qualification and so remain during tenure.]~~
Within 6 months of appointment and throughout tenure, the Village Administrator's residency shall comply with Chapter 78. No elected official of the Village shall be eligible for such

appointment during the term for which the official shall have been elected nor within one year after the expiration of said term.

Section 4. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain the same.

Section 5. This Local Law shall take effect immediately upon filing with Secretary of State and shall be published and posted as required by NYS Village Law.

**RESOLUTION ADOPTING LOCAL LAW -2021 TO COMPREHENSIVELY AMEND
THE RESIDENCY REQUIREMENTS FOR ALL APPOINTED VILLAGE OFFICIALS
TO ALLOW FOR A BROADER POOL OF CANDIDATES**

WHEREAS, the Board of Trustees of the Village of Dobbs Ferry has been considering adoption of an Introductory Local Law which proposes to amend the Village Code to provide for broader opportunity in the appointment of public officials from among a larger pool of candidates by amending residency requirements to include the entire State of New York and any other County adjacent to Westchester; and

WHEREAS, the Introductory Local Law proposes to specifically supersede New York State statutes Village Law §3-300, Public Officers Law §3 and Public Officers Law §30 in its application to the Village of Dobbs Ferry with home rule authority derived from prior action of the New York State Legislature which amended §3 of the Public Officers Law by adding a new subdivision, numbered 10; and

WHEREAS, on November 9, 2021, the Board of Trustees conducted a duly noticed public hearing for the purpose of receiving comment on the Introductory Local Law and engaged in further discussion, following which the Board determined there were no impediments to proceeding with adoption of the local law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Dobbs Ferry hereby exercises its home rule power to specifically supersede NY State statutes Village Law §3-300, Public Officers Law §3 and Public Officers Law §30 in its application to the Village of Dobbs Ferry and adopts Local Law ____-2021 which revises the residency requirements for appointed Village Officials to include the entire State of New York and any County adjacent to Westchester; and

BE IT FURTHER RESOLVED, that the Village Board directs the Village Clerk to file, post and distribute said Local Law No. ____-2021 in accordance with applicable law.