

Monroe County
Clerk of the Legislature

Jack Moffitt
Clerk

David Grant
Deputy Clerk



MEMORANDUM

TO: Legislators, Directors, Staff and Media
FROM: Jack Moffitt, Clerk of the Legislature
DATE: April 17, 2020
RE: Substitution of Referral No. 20-0142

At the direction of President Dr. Joe Carbone, referral no. 20-0142 entitled, "Enact a Local Law Amending the Monroe County Charter to Change the Date for Filling Vacancies in the Monroe County Legislature – President Carbone" has been replaced with the attached document.

The substitution was requested due to a typographical error in the referral text. There is no change to the legislative action or proposed local law.

Attachments



Monroe County Legislature

Office of the President

DR. JOE CARBONE
PRESIDENT

April 17, 2020

Honorable Legislators
Monroe County Legislature
407 County Office Building
Rochester, NY 14614

OFFICIAL FILE COPY
No. 200142
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
AGENDA/CHARTER

Re: Enact a Local Law Amending the Monroe County Charter to Change the Date for Filling Vacancies in the Monroe County Legislature

Honorable Legislators:

I recommend that this Honorable Body enact a local law amending the Section C2-5 (A)(2) of the Monroe County Charter to change the date for filling vacancies in the Monroe County Legislature.

The Charter currently cites September 20th as the threshold date for whether a vacancy will trigger an election during the next general election. This reference is no longer compliant with Section 6-158 of the New York State Election Law, which states "A vacancy occurring three months before the general election in any year in any office authorized to be filled at a general election, except in the offices of governor, lieutenant-governor, or United States senator shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election."

The specific legislative actions required are:

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law to amend the Monroe County Charter to change the date for filling vacancies in the Monroe County Legislature.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c) and is not subject to review under the State Environmental Review Act. This local law will have no impact on the current Monroe County budget.

Sincerely,

Dr. Joe Carbone
Monroe County Legislature
President

By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. _____ OF 2020

ENACTING A LOCAL LAW AMENDING THE MONROE COUNTY CHARTER TO CHANGE THE DATE FOR FILLING VACANCIES IN THE COUNTY LEGISLATURE

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

Section 1. Section C2-5 A. (2) of the Monroe County Charter is amended to read as follows:

A vacancy in the County Legislature shall be filled by appointment by the President of the County Legislature within 30 days of such vacancy. If such vacancy occurs ~~before September 20~~ at least three months before the general election in any year, the appointee shall serve for the balance of that year, and a successor shall be elected at the general election held next after the occurrence of such vacancy for the unexpired portion of the term for which such appointment shall have been made or for a full term, as the case may be. If such vacancy occurs ~~on or after September 20~~ less than three months before the general election in any year, unless the term will expire in the year in which the vacancy occurred, the appointee shall serve until the end of the following year, and a successor shall be elected at the general election held in the year next after the occurrence of such vacancy for the unexpired portion of the term for which such appointment shall have been made or for a full term, as the case may be. If such vacancy occurs ~~on or after September 20~~ less than three months before the general election and the term expires in the year in which the vacancy occurs, the appointee shall serve for the balance of that year. If no candidate for said office has been duly elected at the general election in the year in which such vacancy occurs, said office shall again be deemed to be vacant as of the first day of January of the next succeeding year.

Section 2. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

_____ Committee; _____, 2020 - CV:
_____ Committee; _____, 2020 - CV:
File No. 20-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added language is underlined.
Deleted language is ~~stricken~~.



700 substitution
Monroe County Legislature
Office of the President

DR. JOE CARBONE
PRESIDENT

OFFICIAL FILE COPY
No. 200142
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment AGENDA/CHARTER -L

April 13, 2020

Honorable Legislators
Monroe County Legislature
407 County Office Building
Rochester, NY 14614

Re: Enact a Local Law Amending the Monroe County Charter to Change the Date for Filing Vacancies in the Monroe County Legislature

Honorable Legislators:

I recommend that this Honorable Body enact a local law amending the Section C2-5 (A)(2) of the Monroe County Charter to change the date for filing vacancies in the Monroe County Legislature.

The Charter currently cites September 20th as the threshold date for whether a vacancy will trigger an election during the next general election. This reference is no longer compliant with Section 6-158 of the New York State Election Law, which states "A vacancy occurring three months before the general election in any year in any office authorized to be filled at a general election, except in the offices of governor, lieutenant-governor, or United States senator shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election."

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2. Enact a Local Law to amend the Monroe County Charter to change the date for filing vacancies in the Monroe County Legislature.

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Sincerely,

Dr. Joe Carbone
Monroe County Legislature
President