

WARREN COUNTY ADOPTION OF LOCAL LAW DEFINING AND DECLARING VACANCY UPON THE FINDINGS OF NOT MEETING RESIDENCY REQUIREMENTS

WHEREAS, the Consolidated Laws of New York, Chapter 47 Public Officers, Article 3 Creation and Filling of Vacancies, Section 30 Creation of Vacancies says every office shall be vacant upon the happening of one of the following events before the expiration of the term thereof: d. His ceasing to be an inhabitant of the state, or if he be a local officer, of the political subdivision, or municipal corporation of which he is required to be a resident when chosen, and

WHEREAS, the Laws of New York defines a local officer is a person who satisfies one or more of the following general characteristics: The person is limited in the execution of his or her official functions to only a portion of the state; The person is elected by the voters of only a portion of the state or is appointed; the person serves a political subdivision or municipal corporation, and

WHEREAS, Public officers who work for local governments are important members of our communities. They are your neighbors, friends or even members of your family. They make decisions that affect people's lives, and citizens' rights in your community. They are elected or appointed to public office and exercise governmental functions. Some public officers exercise some degree of discretionary authority associated with the office in which they serve, and

WHEREAS, Public officers must meet several basic, minimum requirements as stated in New York State Public Officers Law §3 declares Residency as you must be a resident of the municipality in which you serve as a public officer, and

WHEREAS, to hold public office, there is a local residency requirement. The meaning of the term residency is derived from traditional notions of domicile, meaning "where you live," and

WHEREAS, exemptions to the Residency Requirement include military service, legislative exemptions, and other extenuating circumstances, the exemptions do not include the Public Officer/Elected Representative's discretionary decision to change residency out of the political subdivision of which they were elected to represent, and

WHEREAS, indicators of residency could include: Where the Public Officer/Elected Representative resides most of the time, where the Public officer/Elected official's spouse resides, where the Public Officer/Elected Representative's pets reside, where the Public Officer/Elected Representative conducts most of their domestic business, where the Public Officer/Elected Representative sleeps most of the time, where the Public Officer/Elected Representative or spouse bought their new residence, or where the Public Officer/Elected Representative decided to rent, and other indicators that make clear the Public Officer/Elected Representative's primary residence is other than within the political subdivision of which was required when elected to office, and

THEREFORE, be it resolved that all Public Officers who are members of the Warren County Board of Supervisors be in full accord of all New York State Laws and the above regarding Residency and residing in the municipality in which they represent, and

THEREFORE, be it resolved that all Public Officers who are members of the Warren County Board of Supervisors and not in full accord of all New York State Laws regarding Residency are in offices hereby declared vacant, and

THEREFORE, in accord with New York State Law, the resulting vacancies will be filled as soon as possible by the corresponding governing Board or Council of the respective municipality.