

PROPOSED LOCAL LAW NO. 6-2009

A Local Law, subject to a mandatory referendum, to amend Chapter 60 (Police Department) of the Village of Mamaroneck by adding a new Article III entitled "Administration"

Be enacted by the Board of Trustees of the Village of Mamaroneck as follows:

SECTION 1. A new Article III entitled "Administration", is hereby added to Chapter 60 (Police Department) of the Code of the Village of Mamaroneck, which shall read as follows:

ARTICLE III Administration

§60-8 Purpose.

The purpose of this article shall be to provide for a more efficient administration of the Village's Police Department by transferring the hearing of disciplinary proceedings to a hearing officer.

§60-9 Board of Police Commissioners powers and duties.

In accordance with the §5711-q of the Unconsolidated Laws, the Board of Trustees is authorized to adopt rules and regulations for the hearing and determination of charges against members of the Village Police Department.

§60-10 Conduct of disciplinary hearings.

Except as to the discipline of the Chief of Police, all formal departmental charges shall be brought by the Chief of Police, subject to the requirements of applicable law. All such charges shall be heard by a hearing officer appointed by the Board of Police Commissioners, and the hearing officer shall make a report and recommendation to the Board of Police Commissioners. In the case of discipline of the Chief of Police, such charges shall be brought by the Board of Police Commissioners and shall be heard by a hearing officer appointed by the Board of Police Commissioners. Upon receipt of the report and recommendation by the hearing officer, the Board of Police Commissioners shall review said report and any written submission by the parties and make a determination with respect to any such charges.

§60-11 Inconsistencies with State law.

It is the purpose and intent of this article to supersede §5711-q of the Unconsolidated Laws, as amended, to transfer the responsibility for hearing disciplinary matters from the Board of Police Commissioners to a hearing officer. The Board of Trustees, pursuant to the Municipal Home Rule Law, may supersede a special act of the legislature, and to the extent that this Article is inconsistent with the §5711-q of the Unconsolidated Law as amended, §5711-q is superseded.

§60-11 Applicability of other laws.

In all other respects, the Village of Mamaroneck Police Department shall be governed by applicable law.

SECTION 2. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. This Proposed Local Law is subject to and shall be submitted for approval of the qualified voters of the Village of Mamaroneck at the General Election to be held on November 3, 2009. A proposition in the following form shall be included in the ballot at such General Election and the law shall take effect only if the proposition is approved by the majority vote of the qualified voters voting thereon. (Shall Proposed Local Law No. 6-2009 which transfers the hearing of police disciplinary hearings from the Board of Police Commissioners to a hearing officer be approved).

SECTION 4. This Local Law shall become effective immediately upon filing in the office of the Secretary of State after approval by the qualified voters of the Village of Mamaroneck.