

PROPOSED LOCAL LAW R - 2017

A Proposed Local Law to amend Chapters 9 (Board of Trustees), 76 (Village Manager) and 78 (Village Attorney) of the Code of the Village of Mamaroneck with respect to the powers of the Mayor, Board of Trustees and Village Manager

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

(Language in strike-through ~~abedefhijk~~ to be deleted; language in **bold** is to be added)

Section 1.

Article III of Chapter 9 Section of the Code of the Village of Mamaroneck is amended as follows:

Article III ~~Appointments by Board of Trustees~~ **Authority of Mayor and Board of Trustees**

§ 9-5 ~~Appointment of Village Prosecutor.~~ **Authority of the Mayor.**

~~The Village Prosecutor shall be appointed by the Board of Trustees. Such appointment shall be for a term of one year and shall be made annually at the Board's annual organizational meeting. Any vacancy shall be filled by the Board of Trustees and such appointee shall serve until the next annual organizational meeting.~~ **The Mayor shall have all of the authority granted to and duties imposed upon the Mayor by section 4-400 of the Village Law of the State of New York and section 5711-q of the Unconsolidated Laws of the State of New York, except**

A. The authority to appoint

- (1) the members and chairperson of the Board of Architectural Review and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 6-4;**
- (2) the members of the Arts Council and fill vacancies on that Council, which is given to the Board of Trustees by Village Code § 7-5;**
- (3) the members and chairperson of the Committee for the Environment and fill vacancies on that committee, which is given to the Board of Trustees by Village Code § 20-1;**
- (4) the members of the Ethics Board and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 21-7;**
- (5) the members and chairperson of the Planning Board and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 58-1;**
- (6) the members and chairperson of the Board of Traffic Commissioners, which is given to the Board of Trustees by Village Code § 72-1;**
- (7) the Village Manager, Village Clerk, Village Treasurer and police officers, which is given to the Board of Trustees by Village Code § 76-1(A);**
- (8) the members of boards, commissions, councils or committees created by the Board of Trustees and fill vacancies on those boards, commissions, councils or committees, which is given to the Board of Trustees by Village Code § 76-3;**

- (9) the Village Attorney and fill vacancies in that office, which is given to the Board of Trustees by Village Code § 78-4;
 - (10) the members of the Landmarks Advisory Committee, which is given to the Board of Trustees by Village Code § 218-3;
 - (11) the members of the Coastal Zone Management Commission and fill vacancies on that commission, which is given to the Board of Trustees by Village Code § 240-35;
 - (12) the members and chairperson of the Zoning Board of Appeals and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 342-88;
 - (13) the clerk of the court, upon the consent of the village justice or justices, which is an administrative and executive power given to the Village Manager by Village Code § 76-1(A);
- B. The authority to supervise the Village Clerk, Village Treasurer and Chief of Police, which is an administrative and executive power given to the Village Manager by Village Code § 76-1(A); and
- C. The authority to exercise the following powers, each of which is an administrative and executive power given to the Village Manager by Village Code § 76-1(A):
- (1) to institute, at the direction of the Board of Trustees, all civil actions in the corporate name of the Village;
 - (2) to intervene in any and all actions, at the direction of the Board of Trustees where deemed necessary to protect the rights of the village and its inhabitants;
 - (3) to provide for the enforcement of all laws, local laws, rules and regulations and to cause all violations thereof to be prosecuted;
 - (4) to execute all contracts in the name of the village;
 - (5) to sign checks in the absence of the treasurer or deputy treasurer when authorized by the Board of Trustees;
 - (6) to cause all claims to be thoroughly investigated and issue subpoenas to compel the attendance of the claimant; and
 - (7) to issue all licenses as the “licensing officer” of the Village.

§ 9-6 Authority of the Board of Trustees.

The Board of Trustees shall have all of the authority granted to it and duties imposed upon it by section 4-412 of the Village Law of the State of New York and the Village Code, including the authority to appoint

- A. the members and chairperson of the Board of Architectural Review and fill vacancies on that Board, as provided by Village Code § 6-4;
- B. the members of the Arts Council and fill vacancies on that council, as provided by Village Code § 7-5;
- C. the members and chairperson of the Committee for the Environment and fill vacancies on that committee, as provided by Village Code § 20-1;

- D. the members of the Ethics Board and fill vacancies on that Board, as provided by Village Code § 21-7;
- E. the members and chairperson of the Planning Board and fill vacancies on that board, as provided by Village Code § 58-1;
- F. the members and chairperson of the Board of Traffic Commissioners, as provided by Village Code § 72-1;
- G. the Village Manager, Village Clerk, Village Treasurer and police officers, as provided by Village Code § 76-1(A);
- H. the members of boards, commissions, councils or committees created by the Board of Trustees and fill vacancies on those boards, commissions, councils or committees, as provided by Village Code § 76-3;
- I. the Village Attorney and fill vacancies in that office, as provided by Village Code § 78-4;
- J. the Village Prosecutor and fill vacancies in that position, as provided by Village Code § 78-7;
- K. the members of the Landmarks Advisory Committee, as provided by Village Code § 218-3;
- L. the members of the Coastal Zone Management Commission and fill vacancies on that commission, as provided by Village Code § 240-35; and
- M. the members and chairperson of the Zoning Board of Appeals and fill vacancies on that board, as provided by Village Code § 342-88.

Section 2.

Section 76-1(A) of the Code of the Village of Mamaroneck is amended as follows:

- A. The administrative and executive powers of the Village, including the power of appointment of officers and employees, except the Village Clerk, the Village Attorney and Treasurer and, in the County of Westchester, officers and members of the Police Department, where such a department has been established pursuant to law, are vested in an official to be known as the "Village Manager," who shall be appointed by the Board of Trustees and shall hold office during the pleasure of such Board. He shall receive such compensation as shall be fixed by the Board of Trustees. Notwithstanding any other provisions of law, the Board of Trustees may also appoint the Village Manager to the office of Village Clerk, to serve in such office at the discretion of such Board. **Superseding, to the extent necessary, the provisions of section 4-402 of the Village Law of the State of New York and section 5711-q of the Unconsolidated Laws of the State of New York, the administrative and executive powers of the Village shall include the power to supervise the Village Clerk, Village Treasurer and Chief of Police, each of whom shall report to the Village Manager, each of whom shall be subject to the direction and control of the Village Manager.**

Section 3.

Chapter 78 of the Code of the Village of Mamaroneck is amended by adding a new section, designated § 78-7, as follows:

§ 78-7 Appointment of Village Prosecutor.

The Village Prosecutor shall be appointed by the Board of Trustees. Such appointment shall be for a term of one year and shall be made annually at the Board's annual organizational meeting. Any vacancy shall be filled by the Board of Trustees and such appointee shall serve until the next annual organizational meeting.

Section 4.

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, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 5.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 6.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27 and shall apply to all actions or proceedings pending upon its effective date or thereafter.