

Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 330-15: ADOPTION OF LOCAL LAW ON A LOCAL LAW REGARDING PUBLICATION OF LOCAL LAWS

Mrs. Crane presented the following:

WHEREAS, a proposed local law regarding the publication of Local Laws was presented to the Board of Supervisors on Tuesday, April 21, 2015; and

WHEREAS, a public hearing on the proposed local law was held on **Tuesday, May 19, 2015 at 9:05 a.m.** in the Supervisor's Chambers in the County Court House, 26 Church Street, Lyons, New York, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore be it

RESOLVED, that said local law is hereby adopted to read as follows:

COUNTY OF WAYNE - STATE OF NEW YORK
LOCAL LAW NO. 4 FOR THE YEAR 2015

A Local Law Regarding Publication of Local Laws.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. PURPOSE AND INTENT:

- A. The Wayne County Board of Supervisors hereby finds and determines that New York State County Law § 214 is ineffective and impractical, as to its current requirements for publication, solely in newspapers, as the vehicle by which the general public will be informed and advised as to the consideration, adoption and implementation of local laws and other municipal matters. At the time of the initial adoption of the official newspaper notification process/procedure set forth by the State of New York under County Law § 214, there was no radio, no television, nor the internet. The purpose of publication in newspapers of local laws, resolutions and other matters pertaining to the affairs of government is to afford the general public, or as large a portion of that population as possible, with the full text and all relevant information relating to each individual legislative enactment of laws or other mandated publication of other government activities.
- B. The Wayne County Board of Supervisors further finds that the availability of the full context of public laws, in newspapers, only printed once a week for two weeks, is not the most efficient process by which the public will be informed of, retrieve and review local laws and other matters.
- C. It is the finding of the Wayne County Board of Supervisors that, with the advent of the internet, there is a greater availability of and easier access to information posted online at any time of any day.
- D. It is further the finding of the Wayne County Board of Supervisors that publication online will allow those without subscription to newspaper services a more convenient way to access information and to be informed of proposed local laws and public notices, and will assist the public when research is necessary, or an examination is undertaken to review the activities of government, or to review the language of proposed legislation or of adopted legislation, and that the twenty-four hour per day/seven day per week availability of said information on the internet is superior in providing easier retrieval access and allows easier use of such information.
- E. It is further determined that the cost associated with publishing the abundant, lengthy and detailed legislative actions and government notifications has become significant, yet carries with it a reduced probability that significant numbers of the general public will receive, review or access the information when they have the time and desire to examine such information. It is further determined that it is more efficient, and economically prudent for government to publish notification of local laws having been proposed or adopted with a summary of the action and a referral of interested parties to the full content of said laws and documents on the County's internet website.

- F. It is further noted that notwithstanding the fact that not every home has access to the internet, it is universally recognized that libraries, schools and a significant number of homes in the County do have access to the internet and further that a member of the public that does not have a computer available to them at home or work can access the internet at libraries, and may also obtain a hardcopy of information posted online from the Clerk of the Board of Supervisors.

SECTION 2. DEFINITIONS:

As used in this chapter, the County of Wayne adopts the definitions of the New York State statutes as set forth in the codified laws of the state of New York, including but not limited to General Construction Law § 60, and further any Attorney General opinions or Comptroller's opinions or case law relating to the interpretation of County Law § 214 and General Construction Law § 60.

SECTION 3. DESIGNATION OF NEWSPAPERS AND PUBLICATION OF LAWS:

In Wayne County the following law will supersede New York State County Law § 214 (2) and shall read as follows: “Section 214 (2). Local laws and notices. The Wayne County Board of Supervisors shall annually designate at least two newspapers published within the County as official newspapers for the publication of all local laws, notices and other matters required by law to be published. In such designations, consideration shall be given to those newspapers advocating the principles of the two major political parties into which the people of the state are divided and their general circulation throughout the County. However, the fact that a newspaper is an independent newspaper and not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper having circulation in the County, that newspaper shall be designated. The Clerk of the Wayne County Board of Supervisors shall cause a true copy of each local law to be posted on the Wayne County web page, and a synopsis of said local laws or the full text of any notices and other matters required by law to be published shall also be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within 10 days after such local law has become effective; provided, however, that any local law which is subject to a permissive referendum shall have a true copy of said local law posted on the Wayne County web page, and a synopsis of said local laws shall also be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within 10 days after such local law is adopted. Legalizing acts shall be published as provided in § 227. Nothing herein shall be deemed to prevent the designation of additional newspapers for any publication, and such designation shall be deemed an official newspaper for the particular publication.”

SECTION 4. APPLICABILITY:

This chapter shall apply to all official newspaper designations by the County of Wayne and all publications and procedures that are identified in the legislation above.

SECTION 5. EFFECTIVE DATE:

This local law shall take effect on the date it is filed in the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law of the State of New York.

Mr. Manktelow moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 19th day of May 2015 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 19th day of May 2015.

Clerk of the Board

