

***Public Hearing
Local Law Introductory No. A of 2006
February 9, 2006***

The Public Hearing on Local Law Introductory No. A of 2006 A Local Law authorizing the County of Tioga and the County Attorney to appoint non-Tioga residents in the positions of Assistant County Attorneys was called to order by the Chair at 1:33 P.M. All Legislative Members were present.

There were 2 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

County Attorney Mark Dixon spoke. “I have a prepared statement here that I will go ahead and read for the benefit of the Legislators. Public Officers Law Section 3 requires officers to reside within the municipality they serve. There is a 1976 informal Attorney General opinion that states that the Assistant County Attorneys need to be residents.

“We currently employ two Assistant Attorneys who are non-residents, both of whom would be a loss to our County if residency were required. These two do primarily Family Court work consisting of abuse, neglect, and support matters relating to the children of Tioga County. They have dedicated their practice to those disciplines which is not the most pleasant of areas. There are very few dedicated and qualified Attorneys who will do this job. It is the type of practice that offers neither the glory nor the compensation for the tasks performed. To find the right individual we need a large pool of applicants. The last time the position was posted we had one Tioga County resident out of 18 applications. The time before that only two.

“This is the type of position that expertise and dedication are more important to the performance of the job than residency. It is my position that residency is not a requirement to perform this job, it is merely a factor in the hiring process. Thank you.”

Legislator Mike Roberts spoke. “I was involved with the County Attorney search and throughout that search I was reminded constantly that it was important that we pick from a pool of Attorneys that resided in Tioga County. My own personal opinion I think it is unique that we are going to choose out of the County for this even though we are kind of held to stricter standards.”

Legislator Quinlan spoke. "I feel it is nice to hire in the County if you can, but sometimes it is almost impossible. There are just not enough Attorneys that are capable of doing what Mark figures they can do. I think it is up to his discretion if he wants to hire somebody, if he cannot hire them in the County. It is nice to have County workers. This day and age it is tough."

County Attorney Mark Dixon spoke. "I think I get back to the last sentence of the statement and I agree with Mr. Roberts in his position. I think in my position residency should be required simply because of all the integration of my job with the various Towns, Villages, and other officials within the County. I agree that that is an important consideration, but when you are dealing in Family Court with such an expertise that is required and in some States you are even required to be certified in these areas, I think we really need to concentrate more on the focus on the expertise of the individual rather than the residency and just use residency as a factor rather than a requirement."

Legislator Huttleston spoke. "The only thing I would say in my own business, my own personal life, when I need an Attorney I want to get the Attorney that I think is the best for the situation plus the one that I feel comfortable with. I never once have asked an Attorney where do you live. I think that years ago a lot of the residency laws was because the Country was not as nearly mobile. Now you have some Department heads that live out of Tioga County and also your County Attorney is required for a residency requirements, but I think the reason being was if you want somebody in a hurry they could not get here in a hurry, but you are more mobile now. I think you have to rely on the County Attorney to appoint who he thinks is capable and naturally if somebody lives in the County that is capable, then he should have the chance to appoint that person. I do feel that it is important when you are doing legal work to get the people that are well qualified and I think that your ideal situation in anything is to find somebody that is qualified and they live in the County, but if you cannot find somebody that is qualified, somebody else that does not live in the County, I would not restrict them from hiring that person."

The meeting was adjourned at 1:38 P.M.