

Intro. Res. No. 1466-2011
Introduced by Legislators Kennedy and Cooper

Laid on Table 5/10/2011

**RESOLUTION NO. 677 -2011, ADOPTING LOCAL LAW
NO. 38 -2011, A CHARTER LAW TO ENSURE A WORKABLE,
COMMON SENSE REAPPORTIONMENT PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 10, 2011, a proposed local law entitled, "**A CHARTER LAW TO ENSURE A WORKABLE, COMMON SENSE REAPPORTIONMENT PROCESS;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 38 -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ENSURE A WORKABLE, COMMON SENSE
REAPPORTIONMENT PROCESS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 14-2007 established an entirely new process for the reapportionment of legislative districts following a federal census. Most significantly, Local Law No. 14-2007 called for the creation of a non-partisan Reapportionment Commission to recommend new legislative boundaries to reflect population changes within the County.

This Legislature further determines that Local Law No. 14-2007 is flawed in that it imposes unrealistic timelines on the Reapportionment Commission to propose, and on the County Legislature to adopt, a plan to revise legislative boundaries.

This Legislature finds that reapportionment is a complex task that cannot be satisfactorily accomplished within the arbitrary, compressed timeframes established by Local Law No. 14-2007.

This Legislature further finds that new legislative district boundaries need to be in place for the 2013 elections and, therefore, it is unnecessary to rush the reapportionment process.

This Legislature also finds that it is prudent to give the newly created Reapportionment Commission sufficient time and resources to complete their assigned task.

Therefore, the purpose of this law is to establish a new, workable timeline for the proposal and adoption of a County legislative reapportionment plan.

Section 2. Amendment.

Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to as follows:

§ C2-3. Legislative districts.

* * * *

- B. The County Legislative Districts currently in effect are continued, until changed pursuant to Subsections C and D of this section, and § C21-4C of the Suffolk County Charter. Legislative districts shall be reapportioned after a decennial census indicates that the districts do not contain substantially equal population, but not more often than once every 10 years.

- C. (1) No later than the [45th day after the certification and publication of the results of a regular federal census which indicates that the legislative districts do not contain substantially equal citizen population, but not more often than once every 10 years,] first day of February in the calendar year following the publication of the results of the decennial federal census, the Reapportionment Commission, as established hereunder at Subsection E of this section, shall propose to the Suffolk County Legislature, by filing with the Clerk of the Legislature, appropriate revisions to the boundaries of the legislative districts so that they contain substantially equal citizen population. Such proposal shall be recommended by at least six affirmative votes of the entire membership of the Commission.

* * * *

- (2) No legislative district shall deviate more than 3% from the total population of Suffolk County divided by 18, as determined by the most recent census referred to hereinabove, except in those instances where a deviation of greater than 3% is required to meet the standards of the Voting Rights Act. The members of the Reapportionment Commission shall be appointed as set forth at Subsection E of this section no later than [the 31st day of December prior to] 90 days after the [certification and] publication of such census referred to hereinabove. Each of the two major parties in Suffolk County shall be entitled to four members on the Reapportionment Commission. In any event, no more than four members of the Reapportionment Commission shall be affiliated with any one political party. "Major parties" shall mean the two parties receiving the highest number of votes in Suffolk County in the immediately preceding gubernatorial election.

- D. (1) If appropriate revisions of the boundaries of legislative districts required by Subsection C of this section are not proposed by the [45th day after the] certification of the results of a regular federal census or any County-wide special population census which indicates that the districts do not contain substantially equal population,] first day of February in the calendar year following the publication of the results of the decennial federal census, then the County Attorney is hereby directed to make application to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting proposal for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

(2) (a) The Legislature shall vote to approve or disapprove the proposal of the Commission within ~~[60]~~ 90 days after ~~[its filing]~~ a local law containing the Commission's proposal is filed with the Clerk of the County Legislature.

(b) In the event that the County Legislature fails to take any action under Subsection D(2)(a) hereinabove, then the proposal of the Commission shall be deemed not to have been approved.

(3) (a) In the event that the County Legislature fails to approve the proposal, the Commission shall file with the Clerk of the County Legislature, within ~~[30]~~ 45 days thereafter, a revised proposal. The revised proposal shall be voted upon within ~~[45]~~ 90 days after ~~[its filing]~~ a local law containing the Commission's revised proposal is filed with the Clerk of the County Legislature.

* * * *

(4) (a) In the event the County Legislature fails to approve the local law containing the revised proposal of the Commission within 90 days of its filing, ~~[by the 180th day after the certification and publication of the results of a regular federal census,]~~ then the County Attorney is hereby directed to make application to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting proposal for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

E.

(1)

* * * *

(5) The members of the Reapportionment Commission shall serve without compensation and shall serve a fixed term of office to begin on the ~~[31st day of December prior to any census publication]~~ the effective date of the appointment and to expire 30 days after the adoption of a reapportionment plan as set forth in Subsection D of this section.

* * * *

(9) The County Legislature will provide technical and bipartisan staff support to the Reapportionment Commission. All clerical services involving the month-to-month operation of the Reapportionment Commission, as well as supplies and postage as necessary, shall be provided by the staff of the Clerk of the County Legislature. The Reapportionment Commission may request, receive, and utilize such facilities, resources, and data of any department, office, or agency of Suffolk County as it may reasonably request to properly carry out its powers and duties.

* * * *

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

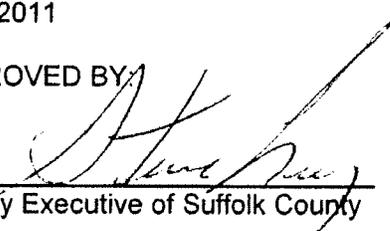
Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED: August 16, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

AUG 30 2011

After a public hearing duly held on August 30, 2011
Filed with the Secretary of State on September 20, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 16, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1466

Res. No.

677

August 16, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		18				

MOTION	
<input checked="" type="checkbox"/>	Approve
Table: _____	
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote