

**RESOLUTION NO. 210 -2012, ADOPTING LOCAL LAW
NO. 28 -2012, A CHARTER LAW TO PREVENT A COURT
IMPOSED REDISTRICTING PLAN**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 7, 2012, a proposed local law entitled, "**A CHARTER LAW TO PREVENT A COURT IMPOSED REDISTRICTING PLAN;**" now, therefore be it

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

LOCAL LAW NO. 28 -2012, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO PREVENT A COURT IMPOSED
REDISTRICTING PLAN**

**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 a 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 of Suffolk.

This Legislature further finds that Local Law No. 14-2007 required the majority and minority leaders of the County Legislature to appoint an eight (8) member Commission, consisting of four retired judges, two representatives recommended by organizations committed to the principles of voters' rights and/or public policy and two representatives of minority organizations.

This Legislature finds that while Local Law No. 14-2007 was enacted with the best of intentions, the process it established for redrawing legislative boundaries was seriously flawed.

This Legislature finds and determines that the County of Suffolk passed two laws in 2011 to correct deficiencies contained in Local Law No. 14-2007 in an attempt to salvage the Reapportionment Commission. Despite these efforts, the reapportionment process established by Local Law No. 14-2007 has proven to be unworkable.

This Legislature finds that the Reapportionment Commission not only missed its revised February 1, 2012 deadline to propose a reapportionment plan to the County Legislature, the Commission has barely begun the task of redrawing legislative boundaries.

This Legislature determines that the Commission is still not fully constituted and that several Commission appointees do not meet the qualifications for appointment set forth in Local Law No. 14-2007.

This Legislature further finds that Local Law No. 14-2007 provides that the County Attorney must seek a Special Master to devise a redistricting plan in the event the Reapportionment Commission fails to complete its task in a timely manner.

This Legislature finds that it is simply unacceptable and undemocratic to have a court impose new legislative district boundaries while the Suffolk County Legislature - the people's elected representatives - has no opportunity to participate in this fundamental governmental function.

This Legislature recognizes that action must be taken to prevent an unelected federal judge from redrawing legislative district boundaries.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to ensure that the County Legislature plays a role in reapportioning legislative districts in Suffolk County.

Section 2. Amendments.

- I. Subsection (D) of Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C2-3. Legislative districts.

* * * *

- D.
 - 1) The Legislature shall vote to approve or disapprove the proposal of the Commission within 90 days after a local law containing the Commission's proposal is filed with the Clerk of the County Legislature. In the event that the County Legislature fails to take any action on the proposal of the Commission, then the proposal shall be deemed to have been disapproved.
 - 2) In the event the County Legislature fails to approve the proposal, the Commission shall file with the Clerk of the County Legislature, within 45 days thereafter, a revised proposal. The revised proposal shall be voted upon within 90 days after a local law containing the Commission's revised proposal is filed with the Clerk of the County Legislature. In the event the Legislature fails to take any action on the revised proposal of the Commission, then the proposal shall be deemed to have been disapproved.
 - 3) If appropriate revisions of legislative boundaries are not proposed by the Commission by the first day of February in the calendar year following the publication of the results of a decennial census as required by subsection (C) of this section, then the County Legislature shall adopt a redistricting plan that revises the boundaries of legislative districts so that they contain substantially equal citizen population. The Legislature shall adopt such a plan by June 1st in the year following the publication of the results of a decennial census or within 120 days after the State of New York adopts a plan to reapportion state senate and state assembly districts following a decennial census, whichever date is later.

4) In the event the County Legislature fails to adopt a plan to revise legislative boundaries in accordance with paragraphs (1), (2) or (3) of this subsection, then the County Attorney shall apply to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting plan for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

II. Paragraph 11 of Subsection (E) of Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

* * * *

11) The Reapportionment Commission shall expire, and the terms of its members terminate, 30 days after a permanent plan is adopted by the County Legislature, except that the Commission shall expire immediately upon its failure to propose a plan to the Legislature as required by subsection C of this section. The Commission shall deposit all the records of their proceedings with the Clerk of the Legislature.

* * * *

III. Subsection (F) of Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby repealed and subsection (G) shall be relettered as (F).

Section 4. Applicability.

This law shall apply to the reapportionment process undertaken in connection with the 2010 federal census and all reapportionment processes occurring thereafter.

Section 5. 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 6. SEQRA Determination.

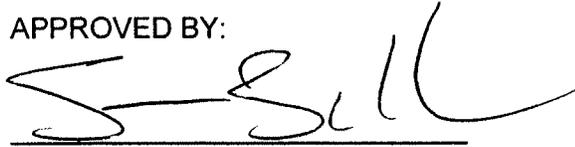
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 7. Effective Date.

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

DATED: March 27, 2012

APPROVED BY:

A handwritten signature in black ink, appearing to read 'S. Sullivan', written over a horizontal line.

County Executive of Suffolk County

Date:

APR 12 2012

After a public hearing duly held on April 9, 2012
Filed with the Secretary of State on May 17, 2012

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 March 27, 2012 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.

1195

Res. No.

210

March 27, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

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 _____