

**RESOLUTION NO. 1140 -2012, ADOPTING LOCAL LAW
NO. 4 -2013, A CHARTER LAW MAKING CERTAIN
TECHNICAL CHANGES TO LEGISLATIVE
REAPPORTIONMENT PLAN**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held October 9, 2012, a proposed local law entitled, "**A CHARTER LAW MAKING CERTAIN TECHNICAL CHANGES TO LEGISLATIVE REAPPORTIONMENT PLAN**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 4 -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW MAKING CERTAIN TECHNICAL CHANGES TO
LEGISLATIVE REAPPORTIONMENT PLAN**

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

Section 1. Legislative Intent.

This Legislature finds and determines that the County of Suffolk adopted a legislative district reapportionment plan which became effective upon its filing in the Office of the Secretary of State on August 17, 2012.

This Legislature further finds that a group of citizens from the Town of Babylon have initiated a legal action against the County of Suffolk challenging the County's reapportionment plan, specifically the County's determination to move the 90th Election District from the 15th Legislative District to the 17th Legislative District.

This Legislature also finds that very minimal modifications to the adopted reapportionment plan would address the specific objections raised by the plaintiffs in this lawsuit.

This Legislature further finds that returning the 90th Election District to the 15th Election District would allow the Hamlet of Wheatley Heights to retain its character as a unified community.

This Legislature finds that amending the adopted reapportionment plan as set forth herein will produce a plan that conforms with all constitutional statutory requirements in that it would provide substantially equal representation for the voters of Suffolk County; provides substantially fair and effective representation for the people as organized in political parties; and creates districts that are of convenient and contiguous territory in as compact a form as is practicable.

Therefore, the purpose of this law is to make minor changes to the County's adopted reapportionment plan to ensure that the County's legislative district map provides fair and equitable representation for all the people, constituencies and communities of Suffolk County

Section 2. Amendments.

Section C21-4 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows and Paragraph (B) of Section C21-4 is hereby repealed in its entirety and replaced with the following new Section C21-4(B) of the SUFFOLK COUNTY CHARTER:

Section C21-4. Legislative Districts.

* * * *

- B.) The County Legislative Districts, as set forth in the map attached hereto as Exhibit "A", are described, based on the official election districts on file in the Suffolk County Board of Elections, each of which election district has an official map pursuant to § § 4-102 and 4-100(2) of the New York Election Law filed in the Office of the Suffolk County Board of Elections, as follows:

* * * *

- 14.) District No. 14 shall consist of that portion of the Town of Babylon represented by the following Election Districts: 1, 2, 3, 5, 6, 11, 13, 15, 16, 19, 20, 21, 22, 23, 24, 27, 32, 33, 39, 41, 43, 49, 50, 51, 52, 54, 59, 61, 62, 64, 71, 75, [76], 77, 78, 83, 87, 88, 89, 91, 93, 94, 96, 101, 102, 104, 105, 107, 110, 111, 119, 121, 127, 128, 130, 131, 133, 142, 143, 150, 152.

- 15.) District No. 15 shall consist of that portion of the Town of Babylon represented by the following Election Districts: 7, 8, 9, 10, 12, 14, 17, 18, 25, 26, 28, 30, 31, 34, 35, 37, [39], 40, 42, 44, 48, 53, 56, 58, 63, 65, 66, 69, 70, 72, 74, 82, 90, 92, 109, 113, 114, 115, 117, 122, 124, 129, 134, 135, 139, 140, 141, 144, 145, 146, 147, [150, 152,] 153, 154.

* * * *

- 17.) District No. 17 shall consist of that portion of the Town of Babylon represented by the following Election Districts: 29, 36, 38, 45, 46, 47, 55, 57, 60, 67, 73, 76, 79, 80, 81, 85, 86, [90,] 95, 98, 103, 106, 108, 112, 116, 120, 123, 126, 132, 137, 138, 151; and that portion of the Town of Huntington represented by the following Election Districts: 11, 12, 22, 23, 27, 33, 34, 42, 48, 56, 58, 59, 61, 62, 70, 71, 72, 79, 82, 83, 88, 92, 96, 101, 109, 133, 138, 143, 145, 151, 155, 162, 166, 171, 172, 176, 177, 178.

* * * *

Section 3. Errors and Omissions.

If the districts described herein do not carry out the purposes thereof because of unintentional omissions, duplications, overlapping areas, erroneous nomenclature, lack of adequate maps or descriptions of political subdivisions, or other divisions thereof, or of their boundary lines, street closings, changes in names of streets, or other changes of public places, alteration of the boundary or courses of water or waterways, filling in of lands under water, accretion or other changes in shorelines, or alteration of courses, rights-of-way, or lines of public utilities or other conditions, the County Clerk shall, at the request of any person or candidate aggrieved thereby, by order, correct such omissions, overlaps, erroneous nomenclature, or other defects in the description of districts so as to accomplish the purposes and objectives of this Charter law.

Section 4. Applicability.

The County Legislative Districts as established by Local Law No. 42-2012 and amended by this law shall be filled at the general election to be held in the first odd numbered year subsequent to the effective date of this law.

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 617.13(d)(21) of the NEW YORK CODE OF RULES AND REGULATIONS (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.

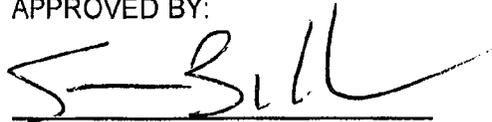
This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: December 4, 2012

APPROVED BY:

A handwritten signature in black ink, appearing to read "Bill", written over a horizontal line.

County Executive of Suffolk County

Date: 12-27-12

After a public hearing duly held on December 19, 2012
Filed with the Secretary of State on January 25, 2013

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 December 4, 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.

2005

Res. No.

1140

December 4, 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						
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	17				

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

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

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature