

GOVERNMENT SERVICES & ADMINISTRATION
LAID ON DESKS BY MAIL, E-MAIL, AND IN MAILBOXES 11/18/2021

RESOLUTION NO. 2021226

RE: LOCAL LAW NO. 1 OF 2022, A LOCAL LAW AMENDING ARTICLE II
(LEGISLATIVE BRANCH) OF THE DUTCHESS COUNTY CHARTER AS IT
PERTAINS TO SECTION 2.012

Legislators PULVER, TRUITT, SAGLIANO, and CASWELL offer the following and
move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopts Local Law No. 1 of
2022, which has been submitted this date for consideration by said Legislature.

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 12/23/2021

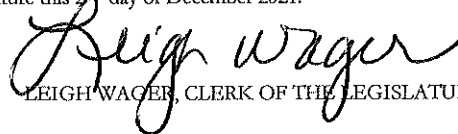
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 2nd day of December 2021, and that the
same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 2nd day of December 2021.


LEIGH WAGNER, CLERK OF THE LEGISLATURE

RE: LOCAL LAW NO. 1 OF 2022, A LOCAL LAW AMENDING ARTICLE II
(LEGISLATIVE BRANCH) OF THE DUTCHESS COUNTY CHARTER AS IT
PERTAINS TO SECTION 2.012

BE IT ENACTED, by the County Legislature of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT.

The County Legislature has determined that Section 2.012 of the Charter of the County of Dutchess should be revised inasmuch as it is the determination of the Legislature that the County's reapportionment and redistricting process must be consistent with New York State Constitutional and Statutory Law.

Further, this local law is meant to establish a simplified timeline, consistent with the method and formula prescribed in Local Law Number 5 of 2020, within which to establish Commissions.

SECTION 2. CHARTER REVISIONS.

Subsection b of the Dutchess County Charter Section 2.012. Reapportionment. shall be amended to read as follows:

- (b) A plan of reapportionment adopted under this subparagraph shall comply with the following standards, which shall have priority in the order herein set forth, to the extent practicable:
 - (1) Each district shall have a resident population not to exceed five percent of the mean population of all districts except a town or city that has no less than five percent or no more than ten percent of the mean population of all districts shall not be divided into more than one district, and
 - i. As used in this paragraph the term "population" shall mean residents. For such purposes, no person shall be deemed to have gained or lost a residence, or to have become a resident of a county, city, town or village by reason of being subject to the jurisdiction of the department of corrections and community supervision and present in a state or county correctional facility pursuant to such jurisdiction. A population base for such a plan of apportionment shall utilize the latest statistical information obtainable from an official enumeration done at the same time for all the residents. Such a plan may allocate, by extrapolation or any other rational method, such latest statistical information to representation areas or units of local government, provided that any plan containing such an allocation shall have annexed thereto as an appendix, a detailed explanation of the allocation.
 - ii. If the federal census fails to provide enumeration and identification of incarcerated persons, the "New York State Legislative Task Force on Demographic Research and Reapportionment" is available to provide information sufficient to re-enumerate incarcerated persons to their place of last residence for the purposes of drawing district lines.

- (2) Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice, and
- (3) Districts shall consist of contiguous territory meaning the boundaries of a district are a single, uninterrupted shape; a person should be able to travel across a district by public roadway without crossing into another district.
- (4) Districts shall be as compact in form as practicable, and
- (5) Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts, of pre-existing political subdivisions including cities, villages, and towns, and of communities of interest shall also be considered. A community of interest is defined as an area with recognized similarities of interest, including but not limited to economic, social, cultural, institutional, geographic, or historic identity. The term communities of interest shall not include common relationships with political parties, officeholders, or political candidates, and
- (6) Districts shall be formed so as to promote the orderly and efficient administration of elections, and
- (7) Actual, expected, or projected electoral results, voting patterns, polling data, enrollment data or any other data relating to the expected partisan allocations of vote totals shall not be considered unless required by federal or state laws such as the United States Voting Rights Act Section 2.

SECTION 3. ADDITIONAL CHARTER REVISIONS.

Subsection d, subsection e, and subsection f of the Dutchess County Charter Section 2.012. Reapportionment. shall be amended to read as follows:

(d) Selection, nomination, and service of the member.

- (1) Initial appointments to the Commission from the pool of candidates gathered in the prescribed manner shall be made no later than thirty (30) calendar days following the Clerk of the Legislature's receipt of the pool of candidates with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.
- (2) The four appointed members shall select the additional three members from the previously established pool no later than forty-five (45) calendar days following Clerk of the Legislature's receipt of the pool of candidates.
 - i. In the event that all of the three additional members are not appointed by the deadline prescribed in paragraph 2 of this subsection, the appointment of the initial four members will no longer have force and effect, and these members will no longer be eligible to serve on the Commission. The majority and minority leaders will then make new eligible appointments no later than fourteen (14) calendar days following the deadline prescribed in paragraph b of this subsection. The four newly appointed members will appoint three additional members as set forth no later than twenty-eight (28) calendar days following the deadline prescribed in paragraph 2 of this

subsection. In the event that all three additional members are not appointed by the prescribed deadline, the appointment of the initial four members will no longer have force and effect, and these members will no longer be eligible to serve on the Commission.

- ii. The majority and minority leaders will then make new eligible appointments no later than fourteen (14) calendar days following the day the previously appointed members failed to properly appoint the three additional members. The four newly appointed members will appoint three additional members as set forth no later than twenty-eight (28) calendar days following the day the previously appointed members failed to properly appoint the three additional members
 - iii. In the event that these four members fail to select all of the three additional members by the deadline prescribed in subparagraph ii of this subsection then no later than twenty-eight (28) calendar days after the deadline prescribed in subparagraph ii of this subsection the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of candidates that the four members have agreed by a majority vote meet the criteria set forth in subsection a. The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of candidates. The County Clerk or their representative shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine by a majority vote that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in subsection a, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in subsection a. The three names thus selected shall constitute the three additional members of the Commission.
- (3) A vacancy in any Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than fifteen (15) days from the date of vacancy.
 - (4) In the event that the Commission is disbanded, dissolved, all members declared ineligible or otherwise declared incapable of fulfilling its duties, the Legislature's majority leader shall appoint two new members and the Legislature's minority leader shall appoint two new members which shall be appointed within fourteen (14) calendar days. The additional three members shall be appointed following similar methods and timelines prescribed within subsection d.
- (e) The first meeting of the Commission shall be convened by the County Executive no later than fifteen (15) days after it is fully appointed for the purposes of receiving its charge and determining how a Chairperson will be selected. The Commission shall decide at its first meeting by a majority vote of the entire membership of the Commission if it will have a Chairperson and Vice Chairperson by election or a Chairperson by rotation.

- (1) Chairperson and Vice Chairperson by election. The Commission shall elect a Chairperson and Vice Chairperson at its first meeting by majority vote of the entire membership of the Commission. The Chairperson and/or Vice Chairperson may be removed from his/her seat by a two-thirds vote of the entire membership of the Commission. A vote for the removal of the Chairperson and/or Vice Chairperson may be called by any member of the Commission. A vote for removal from the seat of Chairperson or Vice Chairperson is not a vote for removal from the Commission. In the event of a vacancy in the seat of Chairperson or Vice Chairperson the vacancy shall be filled by a majority vote of the entire Commission immediately thereafter, but in no event shall it be later than its scheduled meeting immediately following the vacancy.
 - (2) Chairperson by rotation. The position of Chairperson shall rotate each meeting. The position shall rotate among the members in alphabetical order by surname commencing with the member whose surname begins with the letter appearing earliest in the alphabet. A member may elect to not sit as the Chairperson, in which event, the Chair shall move to the next member in the rotation. Should a member elect to not serve as Chairperson at any point during the rotation, this decision shall not result in the forfeiture of future turns to serve as Chairperson.
- (f) Powers and duties of the Commission Member; hearings; submissions and approval of the plan.
- (1) Following each decennial census, the Commission shall divide the County into twenty-five (25) single member districts as set forth in all applicable federal and state law as well as this section for the election of County Legislators. The plan for reapportionment shall include the metes and bounds of each district, population of each district and a map delineating each district boundary. The Commission shall be solely limited to creating district boundary lines delineating each of the twenty-five (25) legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts.
 - (2) Commission meetings shall be subject to Open Meetings Law. Adopted minutes shall be posted on the County website within five (5) business days.
 - (3) Necessary County Departments and employees shall assist the Commission in duties including but not limited to legal advice, geographic information systems, and a meeting or public hearing location. A County Legislator or employee of the County Legislature shall not work in an official capacity with the Commission but may do so as a member of the general public.
 - (4) A method for public comment to be submitted through the County website shall be available at the time of the Commission's first meeting and a method to comment on draft plans available ten (10) days prior to the first public hearing.
 - (5) The Commission shall hold two or more geographically diverse public hearings at varying times of the day and week no later than three months after its first meeting or the publication of the census block data whichever is later and shall make its draft plan available to the public for inspection and comment not less than ten (10) days before such public hearing.
 - (6) Evidence of compliance with United States Voting Rights Act Section 2 shall be included with said draft plan. Necessary well-established measurements of

compactness comparing existing and proposed districts shall be included with said draft plan.

- (7) The Commission shall prepare and adopt, by majority plus one vote of the constituted body, a plan for reapportionment and file its plan with the Dutchess County Board of Elections no later than four months after its first meeting after it is fully appointed or the publication of the census block data whichever is later.
- (8) If any of the provisions of paragraphs 5, 6 and 7 of subsection f are not met the Commission shall be disbanded and the appointment process shall follow guidelines set forth in subsection d.
- (9) The Commission's reapportionment plan shall have the force and effect of law.
- (10) The Board of Elections may make minor technical adjustments as may be necessary and appropriate to implement the adopted plan and advise the Committee of any such changes.

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. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State.

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Nicholas Joseph, Assistant to the Chairman

Prepared On: 11/18/2021

LEIGH WAGER
CLERK



LAURA HUSSING
DEPUTY CLERK

DUTCHESS COUNTY LEGISLATURE

MEMORANDUM

TO: All Legislators
FROM: Leigh Wager, Clerk *fw*
RE: Local Law
DATE: November 18, 2021

Pursuant to Rule 4.5 I of the *Permanent Rules of the Dutchess County Legislature*, enclosed is a Local Law being introduced by Chairman Pulver entitled, "A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH) OF THE DUTCHESS COUNTY CHARTER AS IT PERTAINS TO SECTION 2.012."

Please consider this law as being "Laid on the Desks". If you have any questions, please contact my office.

enclosure

The foregoing Resolution No. 2021226, Local Law No. 1 of 2022, was laid on the desks, e-mailed, and mailed on November 18, 2021, and considered on December 2, 2021.

Roll call vote on the foregoing resolution at that time resulted as follows:

AYES: 21 Atkins, Bolner, Brendli, Caswell, Cavaccini, Edwards, Hauser, Houston, Johnson, Kearney, Keith, Llaverias, McHoul, Metzger, Munn, Page, Paoloni, Polasek, Pulver, Surman, and Truitt

NAYS: 0

ABSENT: 4 Garito, Lawler, Sagliano, and Zernike

Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on December 22, 2021, and signed it into law on December 23, 2021. The effective date of the Local Law is _____.

Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 12 - Town of East Fishkill	Metzger*		
District 6 - Town of Poughkeepsie	Edwards*		
District 18 - City of Beacon and Town of Fishkill	Page*		
District 3 - Town of LaGrange	Polasek		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (VC)		
District 8 - City and Town of Poughkeepsie	Brendli		
District 10 - City of Poughkeepsie	Atkins		
District 22 - Towns of Beekman and Union Vale	Garito	<i>absent</i>	
District 23 - Towns of Pawling, Beekman and East Fishkill	Hauser		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (C)	<i>absent</i>	

Present: <u>10</u>	Resolution: <u>✓</u>	Total: <u>10</u> <u>0</u>
Absent: <u>2</u>	Motion: <u> </u>	Yes No
Vacant: <u>0</u>		Abstentions: <u>0</u>

2021226 A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH) OF THE DUTCHES COUNTY CHARTER AS IT PERTAINS TO SECTION 2.012

NOVEMBER 29, 2021

Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 12 - Town of East Fishkill	Metzger		
District 6 - Town of Poughkeepsie	Edwards		
District 18 - City of Beacon and Town of Fishkill	Page		
District 1 - Town of Poughkeepsie	Llaverias		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	<i>absent</i>	
District 3 - Town of LaGrange	Polasek		
District 4 - Hyde Park	Lawler	<i>absent</i>	
District 5 - Town of Poughkeepsie	Keith		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Atkins		
District 11 - Towns of Rhinebeck and Clinton	Kearney		
District 14 - Town of Wappinger	Paoloni		
District 15 - Town of Wappinger	Cavaccini		
District 16 - Town of Fishkill and City of Beacon	Zemike	<i>absent</i>	
District 17 - Town and Village of Fishkill	McHoul		
District 20 - Town of Red Hook/Tivoli	Munn		
District 21 - Town of East Fishkill	Caswell		
District 22 - Towns of Beekman and Union Vale	Garito	<i>absent</i>	
District 23 - Towns of Pawling, Beekman and East Fishkill	Hauser		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

Present: 21 Resolution: ✓ Total : 21 0
 Absent: 4 Motion: — Yes No
 Vacant: 0 Abstentions: 0

2021226 A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH) OF THE DUTCHES COUNTY CHARTER AS IT PERTAINS TO SECTION 2.012

DECEMBER 2, 2021