GOVERNMENT SERVICES & ADMINISTRATION
LAID ON DESKS BY MAIL, E-MAIL, AND IN MAILBOXES 8/23/2019

RESOLUTION NO. 2019248

RE: LOCAL LAW NO. ___ OF 2019 A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH)

Legislators PULVER, SAGLIANO, MICCIO, SURMAN, HOUSTON, and KEITH offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopts Local Law No. ___ of 2019, which has been submitted this date for consideration by said Legislature.

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 10-3-2019

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 9th day of September 2019, 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 9th day of September 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RE: LOCAL LAW NO. ___ OF 2019 A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH)

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF DUTCHESS, STATE OF NEW YORK AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT.

The Dutchess County Legislature finds it necessary and appropriate to establish an Independent Reapportionment Commission for the purposes of drawing legislative districts following every decennial census. The process of redistricting should be detached from Legislative authority or influence. Pursuant to Section 23(2)(f) of Municipal Home Rule Law any local law which "abolishes, transfers or curtails any power of an elective officer" shall be subject to mandatory referendum. This local law shall not take effect until approved by a majority of the duly qualified voters of Dutchess County at the general election in 2020.

The integrity of the redistricting process rests solely on the good faith of all actors such as the majority/minority leaders and Commission members. Members of the Commission shall act in good faith throughout this process, endeavor to not be influenced by political factors and only seek to provide equal and fair representation to the persons of Dutchess County. In order to ensure the public trust it is paramount this process is conducted in a non-partisan manner. Following all federal, state, and local requirements a plan shall be created which will be provided to the public with ample notice to review and submit comments before final approval by the Commission.

SECTION 2. CHARTER REVISIONS.

Dutchess County Charter Section 2.01 shall be amended to provide as follows:

Section 2.011. County Legislature; Membership; Election; Term.

There shall be a County Legislature composed of twenty-five (25) Legislators elected from single-member districts prescribed by the Commission on Reapportionment. Each Legislator shall be deemed a County Officer and shall be elected at a general odd-numbered year election for a term of two years. At the time of his/her nomination and election, and throughout his/her term of office, each Legislator shall be and remain an elector of the district from which he/she is elected. No person shall be elected for a full two-year term as a member of the County Legislature more than six times. The first year for any County Legislator for the purpose of calculating terms as contained in this section shall commence on or after January 1, 2020.

Section 2.012. Reapportionment.

(a) A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from each decennial census to evaluate existing legislative districts to the maximum extent practicable pursuant to the process established herein and reapportion them as necessary to meet established standards in federal, state, and local law for equal and fair representation of all people in Dutchess County. The Commission's adopted plan shall be used beginning in the election of each year ending in "3" in such decade. The Commission shall consist of seven members who

are County residents, are registered to vote in Dutchess County, and represent the geographic and demographic diversity of the County. A member shall not currently be nor have been for the three years preceding the formation of the Commission an elected official, employee of New York State, Dutchess County or any town, city, or village in the County, or a member or officer of any political committee. A member shall maintain eligibility while serving on the Commission.

(b) Districts shall be contiguous 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. Each district shall have a resident population between (95) ninety-five and (105) one hundred and five percent of a full ratio for each legislator except a town or city that has between (95) ninety-five and (110) one hundred and ten percent of a full ratio for each legislator shall not be divided into more than one district. Districts shall not be drawn to provide an advantage to one political party or another. The residence location of an incumbent legislator shall be given no consideration when drawing districts. 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. The following standards shall have priority in the order herein set forth, to the extent applicable. Districts shall be convenient and minimize the division of communities of interest to the extent practicable. 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. Districts shall be compact as practicable meaning a district shall cover a reasonably sized area. When practical districts shall use existing town, city or village boundary lines.

(c) To establish a pool from which Commission members will be appointed, the County Executive shall, no later than October 1 of each year ending in zero "0", commence the process for widely soliciting interest in serving on the Commission through methods such as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement, and announcement on the County website. A report of the process and a list containing the names of the people in the pool of candidates shall be submitted to the Clerk of the County Legislature on January 2 of each year ending in "1."

(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 February 1 of each year ending in "1" 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 February 15 of each year ending in "1". In the event that all of the three additional members are not appointed by the prescribed February 15 deadline, the appointment of the initial four members and additional members appointed by the four members will no longer have force and effect, and these members will no longer be eligible to serve on the Commission.

(3) The majority and minority leaders will then make new eligible appointments no later than March 1 of each year ending in "1." The four newly appointed members will appoint three additional members as set forth by March 15 of each year ending in "1." In the event that all three additional members are not appointed by the prescribed March 15 deadline, the appointment of the initial four members and additional members appointed by the four members will no longer have force and effect, and these members will no longer be eligible to serve on the Commission.

(4) The majority and minority leaders will then make new eligible appointments no later than April 1 of each year ending in "1." The four newly appointed members will appoint three additional members as set forth by April 15 of each year ending in "1."

(5) In the event that these four members fail to select all of the three additional members by April 15 of each year ending in "1," then by May 1 of each year ending in "1," 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 shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine 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.

(6) 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 15 days from the date of vacancy.

(e) The first meeting of the Commission shall be convened by the County Executive no later than 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. 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 five months after its first meeting or the publication of the census 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 six months after its first meeting or the publication of the census 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.

(g) The County Legislature shall appropriate such funds as it deems are necessary for the Commission to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission subject to the provisions set forth in this section and applicable federal, state, and local laws.

(h) The Commission shall be dissolved on the day following the general election in which the adopted plan is first used.

(i) Said plan adopted by the Commission shall not be subject to approval or disapproval by the County Legislature and County Executive.

(j) The adopted plan shall be found on the County website.

SECTION 3. LOCAL LAW REPEAL.

Local Law 2 of 2013 shall be deemed repealed on the day following the first adopted plan under this local law is no longer eligible for a referendum on petition or adopted by the electorate by said referendum. All incumbent members of the Dutchess County Legislature shall continue to serve until the end of their current term, unless such incumbent's service shall be terminated by death, resignation, special election, or otherwise, in which event such vacancy shall be filled in the manner herein provided.

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.

Pursuant to Section 23 of Municipal Home Rule Law, this Local Law shall not become operative unless and until this Local Law is approved by the duly qualified voters of Dutchess County in a manner prescribed by Section 34(4) Municipal Home Rule Law at the general election on November 3, 2020, and thereafter filed 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: $25,000

Additional Comments/Explanation:
Costs occuring in the years 2020 and 2021 may include: citizen outreach costs, County Attorney and County Planning hours, mapping software, and/or consultant fees.

Prepared by: Nicholas Joseph Prepared On: 7/9/2019

COUNTY OF DUTCHESS
STATE OF NEW YORK
A. GREGG PULVER
CHAIRMAN OF THE LEGISLATURE

MEMORANDUM

To: All Legislators

From: A. Gregg Pulver, Chairman of the Legislature GP/kw

Date: August 23, 2019

Re: Local Law Amending Article II (Legislative Branch) Introduction

At the August Legislative Board Meeting, two different - yet very similar - local law proposals to create an independent reapportionment system for the Dutchess County Legislature were introduced to our body. I credit this to the extensive and thorough research of the Ethics and Independent Reapportionment Committee and the guidance that they provided as well as the numerous legislative leadership meetings and discussions. The time spent around the table with the proposal at our fingertips was productive and informative. Deliberation is the first piece of bipartisanship and I hope to achieve the second piece, sponsors from both parties, before adoption of this proposal. Our ultimate goal is to put forward a single proposal that is agreeable to all parties.

We did not meet the goal of introducing a joint proposal at the August Board Meeting because I was not given any feedback to the final round of revisions - something that I was expecting to receive - and had to make the decision to move forward with introduction. No items in the only proposal circulated prior to the August Board Meeting have generated any feedback which I can only hope means we are in agreement as all parties have had ample time to comment. That being said, with two proposals introduced we now know all of the criteria sought to be included in the final law.

The two proposals only differ on items that are mostly unsubstantial and offer increased clarification. As this law will be applied by ordinary citizens and not lawmakers or attorneys it is necessary that precise definitions are included to aid in its eventual implementation.

Therefore, in order to advance the discussions on this topic, I, along with Legislators Sagliano, Miccio, Surman, and Houston, have introduced a new local law that resolves the differences between the two proposals. I look forward to each sponsor of both proposals joining as a sponsor of this new proposed local law and further, earning the vote of every legislator in this body at its final adoption.

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www.dutchessny.gov

In my Chairman's speech at the January Reorganizational Meeting I said that we would be tackling challenging topics this year and that reapportionment would be one of them. I greatly look forward to the healthy discussions that will be held at our September Committee Meeting.

Pursuant to the 2019 Permanent Rules of the Dutchess County Legislature, Rule 4.3 (I), I am introducing a local law by mail and have placed a copy in each Legislator's legislative mailbox.

Resolution No. 2019248, LOCAL LAW NO. of 2019, A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH), that was laid on desks by mail, email, and in placed in mailboxes August 23, 2019, was considered at this meeting.

Roll call vote at that time resulted as follows:

AYES:	24	Amparo, Black, Bolner, Borchert, Brendli, Edwards, Garito, Horton, Houston, Incoronato, Jeter-Jackson, Johnson, Kearney, Keith, Llaverias, Metzger, Miccio, Munn, Page, Pulver, Sagliano, Surman, Thomes, Truitt
NAYS:	0	
ABSENT:	1	Zernike

Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on September 30, 2019 and signed it into Law on October 3, 2019. Said local law was adopted subject to a mandatory referendum. It only becomes operative as prescribed therein if approved by the qualitied electors voting upon the proposition at the general election to be held on November 3, 2020.

Government Services and Administration Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias	absent	
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Kearney		
District 14 - Town of Wappinger	Amparo		
District 22 - Towns of Beekman and Union Vale	Garito		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___ **Abstentions:** 0

Vacant: 0

2019248 A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH)

September 5, 2019

Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 5 - Town of Poughkeepsie	Keith		
District 6 - Town of Poughkeepsie	Edwards		
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	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Kearney		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike	absent	
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Garito		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

Present: 24 **Resolution:** ✓ **Total :** 24 0

Absent: 1 **Motion:** ____ Yes No

Vacant: 0 **Abstentions:** 0

2019248 A LOCAL LAW AMENDING ARTICLE II (LEGISLATIVE BRANCH)

September 9, 2019