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Chenango County Clerk Recording Cover Sheet

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LOCAL LAW NO 4 OF 1972

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Mary C. Weidman

Mary C. Weidman, County Clerk



WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 319 & 316-A(5) OF THE REAL
PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH FROM THIS INSTRUMENT

WHEREAS, the Supreme Court of the United States has determined that the equal protection clause of the XIV Amendment of the United States Constitution requires that the apportionment of legislative bodies be based on the principal of equality or representation, and

WHEREAS, the Courts of the State of New York have determined that this mandate of the Supreme Court of the United States applies with full force and effect to the apportionment of county legislative bodies, and

WHEREAS, it has been determined, after considerable deliberation, that the Board of Supervisors of Chenango County shall be reapportioned in accordance with accepted judicial and statutory standards relating to the "one man-one vote" principal, and

WHEREAS, the Board of Supervisors of Chenango County on the 17th day of March , 1969, enacted Local Law No. One, Year 1969, "A LOCAL LAW TO PROVIDE FOR A COMPUTERIZED WEIGHTED VOTING APPORTIONMENT PLAN FOR THE ELECTION OF REPRESENTATIVES TO THE BOARD OF SUPERVISORS"; said Local Law by its terms being effective on the first day of April , 1969, and

WHEREAS, pursuant to Section III, Sub-section (c), of said Local Law, the apportionment of votes among each member of the Board of Supervisors was based on the 1960 official federal decennial census, and

WHEREAS, purusant to Section III, Sub-section (a), of said Local Law, the apportionment of votes among each member of the Board of Supervisors must be based on the latest official federal decennial census for total County population and that the

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1970 official federal decennial census for total County population has been completed and published, and

WHEREAS, the New York State Legislature on May 22, 1969, enacted Chapter 834 of the Laws of 1969 amending the Municipal Home Rule Law and the General Municipal Law, therefore, affording non-chartered counties, such as Chenango County, the ability to reapportion its legislative body by implementation of a computerized weighted voting plan, and

WHEREAS, it is deemed to be in the best interests of the citizens, residents, taxpayers, and voters of Chenango County to effect a computerized weighted voting apportionment plan for the election of representatives to the Board of Supervisors based on the 1970 official federal decennial census.

NOW, THEREFORE, be it resolved that the following Local Law be adopted and enacted by this Board amending LOCAL LAW NO. 1 YEAR 1969:

LOCAL LAW NO. # 4, YEAR 1972
COUNTY OF CHENANGO, NEW YORK

A LOCAL LAW TO PROVIDE FOR A COMPUTERIZED WEIGHTED VOTING APPORTIONMENT PLAN FOR THE ELECTION OF REPRESENTATIVES TO THE BOARD OF SUPERVISORS AMENDING AND SUPERSEDING LOCAL LAW NO. 1, YEAR 1969.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHENANGO AS FOLLOWS:

AMENDMENT

Local Law No. 1, YEAR 1969, County of Chenango, New York, is hereby amended by deleting Sections 1-7, thereof, inclusive and substituting in its place and stead the following:

SECTION 1. DESIGNATION.

On and after January 1, 1973, the legislative body of the County of Chenango shall continue to be known and designated as the Board of Supervisors, but the number of votes that each member thereof shall be entitled to cast shall be determined and fixed in accordance with the provisions of this Local Law.

SECTION 2. NUMBER, TERM.

(a) The Board of Supervisors shall consist of twenty-three (23) members apportioned as follows:

	<u>No. of Supervisors</u>
City of Norwich	
District 1	1
District 2	1
Afton	1
Bainbridge	1
Columbus	1
Coventry	1
German	1
Greene	1
Guilford	1
Lincklaen	1
McDonough	1
New Berlin	1
North Norwich	1
Norwich	1
Otselic	1
Oxford	1
Pharsalia	1
Pitcher	1

Plymouth	1
Preston	1
Sherburne	1
Smithville	1
Smyrna	<u>1</u>
TOTAL	23

(b) Except as otherwise provided by law, the term of each member of the Board of Supervisors shall be for two (2) years commencing on the first day of January following such member's election. The election of members of the Board of Supervisors shall be conducted at the general election in each odd-numbered year.

SECTION 3. APPORTIONMENT BASE, NUMBER OF VOTES.

(a) Commencing on April 1, 1969, the apportionment of votes among each member of the Board of Supervisors shall be based on the latest official federal decennial census for total county population excepting, however, should there be proposed an official special county census subsequent to such federal decennial census, and should the Board of Supervisors determine that the then existing apportionment is violative of then applicable provisions of law, the Board of Supervisors may effect an apportionment which shall be in conformity with such official county census and such then applicable provisions of law.

The total number of votes of the Board of Supervisors shall be distributed so as to equalize the voting power of each Supervisor to the percent of the population which that Supervisor represents.

(c) Based on the 1970 official federal decennial census, commencing on January 1, 1973, and continuing thereafter until a

subsequent apportionment of the Board of Supervisors, as hereinbefore provided, each town or city district shall be allocated that number of whole votes, so that the resultant, effective voting power of the elected representative of such town or city district shall be to the extent possible equivalent to such town or city district's percentage of the total county population, as determined by independent computerized mathematical analysis.

(d) The City of Norwich shall be divided into two (2) supervisory districts. District 1 shall consist of the first, second, and third wards. District 2 shall consist of the fourth, fifth, and sixth wards. Each of such supervisory districts within the City of Norwich shall be represented on the County Board of Supervisors by one (1) supervisor. The supervisor from each of said districts will be elected at large in accordance with law. Each supervisor so elected shall be entitled to cast the votes allocated to said supervisory district in accordance with Subsection (c) hereof.

(e) Pursuant to Section 3(b), the elected Supervisor of each town or city district shall be entitled to cast that number of votes hereinafter set forth at (i) Column B for the adoption of any resolution, local law, motion, or proposal which requires a majority vote of the Board of Supervisors under applicable provisions of law; (ii) Column C for the adoption of any resolution or proposal which requires a two-thirds (2/3) vote under applicable provisions of law and (iii) Column D for the adoption of any resolution or proposal which requires a three-fifths (3/5) vote under applicable provisions of law.

<u>COLUMN A</u> <u>DISTRICT</u>	<u>COLUMN B</u>	<u>COLUMN C</u>	<u>COLUMN D</u>
City of Norwich			
District 1	162	166	165
District 2	201	216	208
Afton	105	104	106
Bainbridge	141	143	144
Columbus	31	30	31
Coventry	42	41	42
German	8	8	8
Greene	213	235	224
Guilford	100	99	101
Lincklaen	18	17	18
McDonough	30	29	30
New Berlin	119	119	121
North Norwich	67	66	68
Norwich	136	136	137
Otselic	40	39	40
Oxford	157	160	160
Pharselia	22	22	22
Pitcher	27	26	27
Plymouth	50	49	51
Preston	31	30	31
Sherburne	150	152	152
Smithville	41	40	41
Smyrna	<u>47</u>	<u>46</u>	<u>48</u>
TOTAL	1938	1973	1975

(f) The total number of whole votes which each Supervisor is entitled to cast shall not be divisible and shall be cast as one unit.

SECTION 4.

QUORUM, PASSAGE OF RESOLUTIONS,
LOCAL LAWS, MOTIONS AND PROPOSALS.

(a) The attendance of Supervisors entitled to cast 970 votes, shall be required to constitute a quorum.

(b) The affirmative vote of Supervisors entitled to cast a total of at least 970 votes shall be required for the adoption of any resolution, local law, motion or proposal, which requires a majority vote of the Board of Supervisors, under applicable provisions of law.

(c) The affirmative vote of Supervisors entitled to cast a total of at least 1316 votes shall be required for the adoption of any resolution or proposal, which requires a two-third (2/3) vote under applicable provisions of law.

(d) The affirmative vote of Supervisors entitled to cast a total of at least 1185 votes shall be required for the adoption of any resolution or proposal, which requires a three-fifth (3/5) vote under applicable provisions of law.

(e) Notwithstanding any other provision of this local law, every member of the Board of Supervisors serving on a committee of such Board shall be entitled to cast one (1) vote as a member of said committee.

SECTION 5.

VACANCIES.

(a) In case of a vacancy in the office of Supervisor of a town, other than by expiration of term, the remaining members of the Town Board, by majority vote, shall appoint a qualified elector of such town to fill such office until the first day of January following the next general election, at which election, such vacancy shall be filled as provided by law.

(b) In the case of a vacancy in the office of Supervisor of a district of the City of Norwich, other than by expiration of

term, the Common Council of the City of Norwich shall appoint a qualified elector of such district to fill such office until the first day of January following the next general election held in the City of Norwich, at which election such vacancy shall be filled as provided by law.

SECTION 6.

It is intended that the apportionment provided for in this Local Law shall result in a county legislative body in conformity with such official county census and such then applicable judicial and statutory standards of equality of representation.

SECTION 7. EFFECTIVE DATE.

This Local Law shall be subject to a permissive referendum as provided in Section 24 of the Municipal Home Rule Law of the State of New York, as amended, but if no petition for a referendum be filed, then this law shall become effective upon filing same with the Department of State.