

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED

1991 OCT 24 PH 4: 18

1991-6

County
~~City~~ of Chenango
~~Town~~
~~Village~~

COUNTY CLERK'S OFFICE
CHENANGO COUNTY, N.Y.

Local Law No. 6 of the year 19 91

A local law TO PROVIDE FOR A COMPUTERIZED WEIGHTED VOTING APPORTIONMENT PLAN FOR
(Insert Title) THE ELECTION OF REPRESENTATIVES TO THE BOARD OF SUPERVISORS

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
~~City~~ of Chenango as follows:
~~Town~~
~~Village~~

The Safety and Rules Committee offered the following for enactment:

LOCAL LAW #6 OF THE YEAR 1991

A LOCAL LAW TO PROVIDE FOR A COMPUTERIZED WEIGHTED VOTING APPORTIONMENT PLAN FOR THE ELECTION OF REPRESENTATIVES TO THE BOARD OF SUPERVISORS

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

Local Law No. 1 of the year 1969; Local Law No. 4 of the year 1972; Local Law No. 3 of the year 1980; and Local Law No. 4 of the year 1981 are hereby repealed and the subject matter shall be controlled by the following new local law which shall read as follows:

Section 1. INTENT

It is intended that the apportionment and weighted voting plan provided for in this Local Law shall result in a county legislative body in conformity with the official census of the County's population and applicable judicial and statutory standards of equal representation in accordance with the principle of one person, one vote. This Local Law shall be so construed to give effect to this legislative intent.

Section 2. DESIGNATION

On and after January 1, 1992, 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 3. NUMBER, TERM

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

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

	<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	1
Total Membership	<u>23</u>

(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 4. APPORTIONMENT BASE, NUMBER OF VOTES

(a) 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 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.

(b) 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 1990 official federal decennial census, commencing on January 1, 1992 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 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. The Common Council of the City of Norwich shall determine the boundaries of said wards pursuant to applicable provisions of law so as to provide for the equal representation of its population within the City. 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 in accordance with law. Each supervisor so elected shall be entitled to cast the votes allocated to said supervisory district in accordance with Subsection (e) hereof.

(e) Pursuant to Section 4 (b), the elected Supervisor of each town or city district shall be entitled to cast that number of votes hereinafter set forth at Column A 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; Column B for the adoption of any resolution or proposal which requires a two-thirds (2/3) vote under applicable provisions of law and Column C for the adoption of any resolution or proposal which requires a three-fifths (3/5) vote under applicable provisions of law.

<u>DISTRICT</u>	<u>COLUMN A</u>	<u>COLUMN B</u>	<u>COLUMN C</u>
City of Norwich			
District 1	166	199	315
District 2	166	199	315
Afton	131	154	247
Bainbridge	151	179	286
Columbus	39	45	73
Coventry	68	78	127
German	14	16	26
Greene	252	339	491
Guilford	127	149	239
Lincklaen	22	25	41
McDonough	36	42	68
New Berlin	134	158	254
North Norwich	89	103	167
Norwich	178	214	338
Otsellic	44	51	83
Oxford	177	213	337
Pharsalia	33	38	62
Pitcher	34	39	63
Plymouth	76	88	143
Preston	49	57	92
Sherburne	170	204	323
Smithville	52	60	98
Smyrna	<u>57</u>	<u>65</u>	<u>106</u>
TOTAL	2265	2715	4294

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

(a) The attendance of Supervisors entitled to cast 1133 votes, shall be required to constitute a quorum.

(b) The affirmative vote of Supervisors entitled to cast a total of at least 1133 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 1811 votes shall be required for the adoption of any resolution or proposal which requires a two-thirds (2/3) vote under applicable provisions of law.

(d) The affirmative vote of Supervisors entitled to cast a total of at least 2577 votes shall be required for the adoption of any resolution or proposal, which requires a three-fifths (3/5) vote under applicable provisions of law.

(e) Notwithstanding any other provisions 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 6. VACANCIES.

(a) In the 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 7. SAVINGS: SEPARABILITY

If any section, paragraph, subdivision or provision of this Local Law shall be adjudged invalid by a court of competent jurisdiction, the same shall apply only to that portion thereof and the remainder of this law shall remain in full force and effect.

Section 8. EFFECTIVE DATE

Pursuant to Section 24 of the Municipal Home Rule Law of the State of New York, this local law is subject to a permissive referendum as provided for therein. Provided no referendum is required or a referendum is held and is approved by a majority of qualified electors, and subject to the appropriate filings this Local Law shall take effect on January 1, 1992.

Seconded by Mr. Bays

Results of a Roll Call Vote were: Yes-1,828, No-242, Absent-401

No: Supervisors Kelly and Chiarino

Absent: Supervisors Dolan and Portelli

The Chairman declared the Local Law adopted.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 1991 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Chenango was duly passed by the Board of Supervisors on Sept. 9 1991, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of October 24, 1991.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4, above.



[Signature]
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: October 24, 1991

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Chenango

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature: Richard W. Bush]
Signature

County Attorney
Title

County _____
~~City~~ of Chenango
~~Town~~
~~Village~~

Date: October 24, 1991

Chenango County, SS
Recorded on this 24th Day
of October 1991 at 7:18
o'clock P. M., in Liber 1 of
Local Law
at Page 133 and examined
[Signature] Clerk