

2002-2.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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.

2002 JAN 15 AM 11 14

County  
~~CITY~~ of Chenango  
~~TOWN~~  
~~VILLAGE~~ CHENANGO COUNTY NY

Local Law No. 2 of the year 2002.

A local law TO PROVIDE FOR A COMPUTERIZED WEIGHTED VOTING APPORTIONMENT PLAN...  
(Insert Title)  
FOR 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~~

LOCAL LAW

Mr. Doyle offered the following, and moved its adoption:

STATE OF NEW YORK  
COUNTY OF CHENANGO  
ADOPTED LOCAL LAW NO. 2 OF 2002

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 Chenango County Board of Supervisors 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Local Law No. 3 of the year 1980; Local Law No. 4 of the year 1981 and Local Law No. 6 of the year 1991 are hereby repealed and the subject matter shall be controlled by the following new local law which shall read as follows:

Section 1. INTENT

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

(1)

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 February 1, 2002, 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:

	<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	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 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 the 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 2000 official federal decennial census, commencing on February 1, 2002 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	173	200	115

District 2	169	195	112
Afton	140	159	92
Bainbridge	159	182	105
Columbus	45	49	29
Coventry	75	84	50
German	18	20	12
Greene	256	327	174
Guilford	143	162	94
Lincklaen	20	22	13
McDonough	42	46	27
New Berlin	132	149	87
North Norwich	93	104	61
Norwich	178	206	118
Otselic	48	53	31
Oxford	185	215	123
Pharsalia	26	29	17
Pitcher	41	45	27
Plymouth	97	109	64
Preston	44	49	29
Sherburne	185	214	122
Smithville	64	71	42
Smyrna	68	75	44
Total:	2,401	2,765	1,588

(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 1201 votes, shall be required to constitute a quorum.

(b) The affirmative vote of Supervisors entitled to cast a total of at least 1201 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 1844 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 953 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.

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 February 1, 2002.

Seconded by Supervisor Brown

Results of a roll call vote were: Yes-1,811, No-0, Absent-454

Absent: Supervisors Burrows, Canor and McNeil

The Chairman declared the local law duly 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(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. <sup>2</sup>\_\_\_\_\_ of 20<sup>02</sup> of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on 11/28 20<sup>01</sup>, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 1/14 20<sup>02</sup>, in accordance with the applicable provisions of law.  
*(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 chairperson 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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: January 14, 2002

(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]  
Signature

County Attorney  
Title

County Chenango  
of Chenango

Date: January 14, 2002

Chenango County, SS  
Recorded on this 15<sup>th</sup> Day  
of January 2002 at 11:14  
o'clock A.M. in Liber 1 of  
Local Laws  
at Page 311 and examined  
Mary C. Weidman Clerk