

LOCAL LAW NO. "G" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO COMMISSIONS ON REAPPORTIONMENT

Introduced: 7/11/16

By Messrs. Crouse, Tunny, Hogan and Ms. Lockart:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by deleting the existing Section 207 and adding a new Section 207 to read as follows:

Section 207. Commissions on Reapportionment and Changes in Legislative Districts.

- (a) Upon publication of the results of the federal decennial census for Albany County, or upon publication of census tracts and block statistics based upon any federal or special population census taken pursuant to Section 20 of the General Municipal Law, and held not more than once every five (5) years, or after any annexation which has the effect of increasing or decreasing the population of any legislative district by more than ten percent (10%), two Commissions shall be established to make recommendations to the County Legislature on how the County should be reapportioned: a Commission on Majority Minority Redistricting (the "MMD Commission" and a General Redistricting Commission (the "General Commission").
- (b) The MMD Commission shall consist of a number of members equal to the number of Majority Minority Legislative Districts then in existence. Each County Legislator representing a Majority Minority District shall select one person to serve on such commission. In the event this results in an even number, then the Chairperson of the Legislature shall appoint one additional member. The persons appointed to serve on the MMD Commission shall be Albany County residents and shall be eligible to register to vote.
- (c) The General Commission shall consist of seven (7) members who are County residents and are eligible to register to vote. The General Commission's members shall include representatives of the two (2) principal parties and reasonably reflect the demographic composition of the County.
- (d) To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commissions, the County Legislature shall widely solicit interest in serving on the Commissions through

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.

- (e) Initial appointments to the General Commission from the pool of interested parties gathered as set forth in Section 207(d) hereinabove shall represent various geographic areas of the County, with two (2) members appointed by the Majority Leader of the County Legislature and two (2) members appointed by the Minority Leader of the County Legislature. These four (4) appointed Commissioners shall select the additional three (3) General Commission members from the pool previously established no later than thirty (30) days after their appointment. If, for any reason, the Commissioners fail to timely select the additional members as herein required, then the Majority Leader, Minority Leader, and the Chairperson will each select one additional member from such pool as may be necessary to fully constitute the General Commission.
- (f) The MMD Commission will recommend to the General Commission the appropriate number of Majority Minority Districts and the appropriate configuration of such Districts. In fulfilling these duties, the MMD Commission shall comply with the requirements of 52 U.S.C. 1001 (Section 2 of the Voting Rights Act of 1965) as interpreted in the March 24, 2015 Memorandum Decision and Order of the United States District Court for the Northern District of New York in the case *Pope v County of Albany*, 94 F. Supp. 302 (NDNY 2015) and in all subsequent relevant statutes and case law.
- (g) The General Commission will, after receiving the MMD Commission's recommendation, reapportion the remaining Legislative Districts.
- (h) Both Commissions shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider are:
 - (i) minimization of population variance among districts;
 - (ii) compactness of districts;
 - (iii) practical consistency with existing municipal boundaries and neighborhoods within Albany County; and
 - (iv) balance and reasonableness for the diversity of citizens residing all parts of Albany County.
- (i) Both Commissions will reapportion in accordance with a process that allows Timely input from the County Legislature and its members and the maximum amount of public participation and comment, and in accord with a calendar it adopts for itself after consideration of the Election Law of the State of New York.

Section 2. The effective date of this Local Law is January 1, 2017. Pursuant to Municipal Home Rule Law Section 33, this Local Law, amending the present Albany County Charter shall not become operative unless and until this Local Law is approved by the duly qualified voters of Albany County in the manner prescribed by law at the general election of November 8, 2016.

Referred to Law Committee. 7/11/16

Messrs. Grimm, Burgdorf, Drake, Higgins, Mauriello, Mendick and Stevens proposed the following amendment:

Amendment to Local Law No. "G" for 2016

Introduced: 8/8/16

By Messrs. Grimm, Burgdorf, Drake, Higgins, Mauriello, Mendick, & Stevens:

Amend Local Law No. "G" for 2016 by deleting Section 207 in its entirety. In its place, add the following underlined language as the new Section 207:

207. Commission on Reapportionment.

A. Upon publication of the results of the federal decennial census for Albany County, a Commission on Reapportionment shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned.

B. The Commission shall consist of seven (7) members who are County residents, are eligible to register to vote and are not public officers or employees. The Commission's members shall include representatives of the two (2) principal political parties and reasonably reflect the demographic composition of the County.

C. To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commission, the County Executive shall widely solicit interest in serving on the Commission through such means 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.

D. Initial appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than sixty (60) days after the census data becomes available, with two (2) members appointed by the Chairperson of the County Legislature and two members by the Minority Leader of the County Legislature.

E. These four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than seventy (70) days after the census data becomes available. In the event that the additional three (3) Commission members are not appointed by the prescribed deadline, the appointment of the initial four (4) members will no longer have force and effect and these members will no longer be eligible to serve on the Commission. The Chairperson and Minority Leader of the County Legislature will make alternative appointments in the manner prescribed in this Section, and the four (4) newly appointed Commissioners will select three (3) additional Commissioners so as to allow the Commission to convene no later than six (6) months after the census data becomes available. If, for any reason, the alternate Commissioners fail to timely select one or more of the additional members as herein required, the County Executive shall make such number of selections from such pool as shall be necessary to fully constitute the Commission.

F. The Commission shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of

appropriate jurisdiction. Factors to consider are:

1. minimization of population variance among districts;
2. compactness of districts;
3. practicable consistency with existing municipal boundaries and neighborhoods within Albany County; and
4. balance and reasonableness for the diversity of citizens residing in all parts of the County.

G. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of the Election Law of the State of New York.

H. The Commission shall submit its final report to the County Legislature within eight (8) months after the census data become available. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty (30) days.

On roll call vote on the amendment the following voted in favor: Messrs. Burgdorf, Drake, Grimm, Higgins, Ms. Lekakis, Messrs. Mauriello, Mendick, Reinhardt and Stevens – 9.

Those opposed: Messrs. Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Crouse, Dawson, Domalewicz, Ethier, Feeney, Fein, Hogan, A. Joyce, R. Joyce, Ms. Lockart, Messrs. Mackey, Mayo, Miller, O'Brien, Signoracci, Simpson, Smith, Touchette, Tunny, Ward and Ms. Willingham – 27.

Amendment was defeated.

On roll call vote on the original Local Law the following voted in favor: Messrs. Beston, Bullock, Ms. Chapman, Messrs. Clay, Commisso, Crouse, Feeney, Fein, Hogan, Ms. Lockart, Messrs. Mackey, Miller, Signoracci, Simpson, Smith, Touchette, Tunny, Ward and Ms. Willingham – 19.

Those opposed: Messrs. Burgdorf, Clenahan, Dawson, Domalewicz, Drake, Ethier, Grimm, Higgins, A. Joyce, R. Joyce, Ms. Lekakis, Messrs. Mauriello, Mayo, Mendick, O'Brien, Reinhardt and Stevens – 17.

The vote on the original Local Law failed because it was not a majority of the whole.

Local Law was defeated. 8/8/16