

Proposed Local Law Number 11 Of 2019

County of Ulster

A Local Law Amending Various Sections Of The Ulster County Charter And Ulster County Administrative Code To Reduce The Ulster County Legislature To 21 Members

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT.

The Ulster County Legislature has determined that a reduction in the size of the Legislature would not only be a direct financial benefit to the Ulster County taxpayer, but it would also strengthen the Legislative Body. A smaller legislature would lead to more definitive action, a cleaner debate and less gridlock. A downsizing proposal such as this illustrates to the public that cost savings, efficiency and public confidence are high priorities.

The Ulster County Legislature has determined that the voters of Ulster County shall determine if there should be a reduction in the size of the Ulster County Legislature. If approved, on and after January 1, 2024, the Ulster County Legislature shall consist of twenty-one (21) members.

SECTION 2.

Sections C-8 A. of the Ulster County Charter and A2-2 A. of the Ulster County Administrative Code shall be amended as follows:

§ C-8 (§ A2-2) Members; term of office; election.

A. Effective at the general election of ~~2011~~–**2023**, the County of Ulster shall be divided into ~~23~~ **21** legislative districts, from each of which shall be elected one person to be a member of the County Legislature. Such persons while holding office shall be known as "Legislators."

SECTION 3.

Sections C-10 F. 1 and 2 of the Ulster County Charter and A2-4 F. 1 and 2 of the Ulster County Administrative Code shall be amended as follows:

§ C-10 (§ A2-4) Commission on Reapportionment (Redistricting).

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F. Powers and duties of the Commission; hearings; submissions and approval of the plan.

(1) Following each decennial census, the Commission shall [prepare a plan to] divide the County into ~~23~~ **21** single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The [plan] *Commission* shall be solely limited to [the designation of] creating district boundary lines delineating each of the ~~23~~ **21** legislative districts.

The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with [the power and authority granted to] the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. [In preparing the plan, t] The Commission shall be guided by the criteria set forth in § C-10A of the County Charter.

(2) *To the maximum extent practicable*, [E] each of the ~~23~~ **21** single member legislative districts shall be created, taking into consideration § C-10 of this Charter based upon population.

SECTION 4.

Sections C-10 H. 1, 2, 4, and 5 of the Ulster County Charter and A2-4 H. 1, 2, 4, and 5 of the Ulster County Administrative Code shall be amended as follows:

§ C-10 (§ A2-4) Commission on Reapportionment (Redistricting).

H. Powers and duties of the Commission; hearings; submissions and approval of the plan.

(1) The Commission shall prepare a plan to divide the County into ~~23~~ **21** single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the ~~23~~ **21** legislative districts. The Commission

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shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in § C-10A of the County Charter.

(2) Each of the ~~23~~**21** single member legislative districts shall be created, taking into consideration § C-10 of this Charter based upon population.

(3) The Commission shall hold one or more public hearings not less than 10 days before it submits its final plan to the Clerk of the Ulster County Legislature, in accordance with Subsection H(4) of this section. The Commission shall make its draft plan available to the public for inspection and comment not less than 10 days before the first such public hearing.

(4) The Commission shall prepare and adopt, by majority vote, a plan for reapportionment and submit its plan to the Clerk of the Legislature on or before May 1 of each year ending in "2." Such plan shall divide the County into ~~23~~ **21** single member districts for the election of the County Legislature. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.

(5) [If t] The Commission's [on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it] *reapportionment plan* shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." [If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum it shall not take effect. In such a case, any resident of Ulster County may apply to a court of competent jurisdiction to reapportion the County Legislature into ~~23~~ **21** single member districts which otherwise meet the criteria of this Charter and applicable laws.]

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(6) [Upon any such reapportionment plan becoming effective, it shall be submitted to the Ulster County Board of Elections, which shall make adjustments as may be necessary and appropriate to comply with the adopted plan or pursuant to any court order.]

SECTION 5.

Sections C-10 L. of the Ulster County Charter and A2-4 L. of the Ulster County Administrative Code shall be deleted:

§ C-10 (§ A2-4) Commission on Reapportionment (Redistricting).

[L. If the County of Ulster is not authorized to reapportion in the manner provided for herein pursuant to an applicable State law, including but not limited to the portion authorizing a permissive referendum, the Ulster County Charter Revision Commission shall be reconvened, as provided for in § C-5 of the Ulster County Charter, not earlier than September 1, 2017, and not later than November 1, 2017, for the purpose of providing for a method of reapportionment of the 23 Ulster County legislative districts pursuant to § C-10 of the Ulster County Charter.]

SECTION 6. MANDATORY REFERENDUM QUESTION.

The question that shall be submitted to the voters is as follows:

Shall the amendments to the Ulster County Charter approved as Proposed Local Law # 11 of 2019, reducing the Ulster County Legislature from 23 members to 21 members, be adopted and become part of the Ulster County Charter?

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SECTION 7. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE.

Pursuant to Municipal Home Rule Law Section 23, this Local Law shall not become operative unless and until this Local Law is approved by the duly qualified voters of Ulster County in a manner prescribed by law at the general election on November 3, 2020, and thereafter filed with the Secretary of State. This local law shall be effective for the terms of office of members of the County Legislature beginning January 1, 2024, and shall be effective for the election of representatives for such term and all the processes required for the nomination and election of said members.