

*Monroe County
Clerk of the Legislature*

**Jack Moffitt
Clerk**



**David Grant
Deputy Clerk**

MEMORANDUM

TO: Legislators, Directors, Staff and Media

FROM: Jack Moffitt, Clerk of the Legislature 

DATE: January 8, 2021

RE: Read and Print File No. 21-0001

The attached Read and Print is being distributed for your information.

21-0001 – Veto of Local Law (Intro No. 368 of 2020), Entitled “Amending Monroe County Charter Relating to Term of Office of Members of County Legislature” – County Executive Adam Bello

Attachment



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

January 7, 2021

OFFICIAL FILE COPY	
No. <u>210001</u>	
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
READ-PRINT	-L

Mr. Jack Moffitt
Clerk of the Legislature
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Dear Mr. Moffitt:

This is in response to your letter of December 11, 2020, in which you presented, among other matters, a Local Law entitled "Amending Monroe County Charter Relating to Term of Office of Members of County Legislature" (Intro. No. 368 of 2020), which was certified by you to have been adopted by the Monroe County Legislature at its meeting on December 8, 2020. Pursuant to Municipal Home Rule Law § 21 and § C2-7(A)(3)(c) of the Monroe County Charter, with this letter I am providing notice to the Legislature that I have disapproved this Local Law and am returning it to you with my objections.

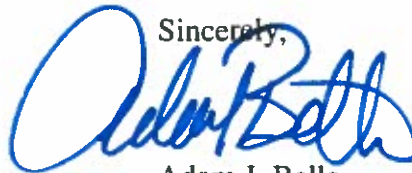
I am disapproving this Local Law because it unduly delays the legislative reapportionment process. In doing so, it fails to ensure equity in representation for Monroe County residents and exposes the County to the risk of costly litigation.

Historically, the Legislature has drawn new districts every ten years to apportion legislative representation following the decennial census. This reapportionment process was scheduled to take place this year. Because of delays in the Census Bureau reporting data due to the COVID-19 pandemic, as well as changes to the political calendar set by State law, it is not possible to complete reapportionment prior to designating candidates for this year's general election.

Despite these challenges, it is imperative that Monroe County complete its legislative redistricting process as soon as possible. The timely completion of this process is important for two reasons. First, it is important to ensure equity in representation for all Monroe County residents. Unevenly weighted districts based on outdated census data do not achieve this goal. Second, it is essential for the County to comply with the constitutional one-person one-vote principle. In addition to being a matter of fundamental fairness, violations of this principle could expose the County to costly litigation.

By permitting the Legislators elected in 2021 to serve a two-year term, the Local Law ensures that Legislators will serve in outdated, unevenly weighted districts for a year longer than necessary. The redistricting process could certainly be completed in time for the 2022 general election. I have introduced legislation that would require prompt redistricting and create an independent redistricting commission. Creating an independent redistricting commission would give voters confidence that the redistricting process is fair and impartial. I urge the Legislature to take up my proposed legislation.

For the reasons stated above, I have disapproved the Local Law entitled “Amending Monroe County Charter Relating to Term of Office of Members of County Legislature” (Intro. No. 368 of 2020).

Sincerely,


Adam J. Bello
Monroe County Executive

Enc.

By Legislators Taylor and Delehanty

Intro No. 368

LOCAL LAW NO. ___ OF 2020

LOCAL LAW ENTITLED, "AMENDING MONROE COUNTY CHARTER RELATING TO TERM OF OFFICE OF MEMBERS OF COUNTY LEGISLATURE"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section C2-2D of the Monroe County Charter is hereby amended to read as follows:

D. The term of office of the members of the County Legislature shall begin on the first day of January next following their election. All Legislators shall be elected for a term of four years at the general election to be held in the year 2011. Subject to the conditions set forth in § C2-2A(3)(b) and (c), all Legislators shall be elected for a term of four years at the general election to be held in the year 2015, ~~and~~ all Legislators shall be elected for a term of two years at the general election to be held in the year 2019, and all Legislators shall be elected for a term of two years at the general election to be held in the year 2021. The term of office for all members of the County Legislature set forth in this § C2-2D shall terminate on the 31st day of December in the year ~~2021~~ 2023, and thereafter the term of office for all members of the County Legislature, beginning with the general election to be held in the year ~~2021~~ 2023, shall be in accordance with the plan set forth in § C2-2D.

Section 2. This local law is subject to permissive referendum and shall take effect in accordance with the applicable provisions of the Municipal Home Rule Law and the Monroe County Charter.

Committee of the Whole; September 22, 2020 – CV: 18-10
File No. 20-0285.LL

ENACTED: Date: December 8, 2020

Vote: 20-9

(Legislators Barnhart, Baurath, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED:

SIGNATURE: Aden Rolto DATE: 1/7/2021

EFFECTIVE DATE OF LOCAL LAW: _____

Added language is underlined

Deleted language is ~~stricken~~

*Monroe County
Clerk of the Legislature*

Jack Moffitt
Clerk



David Grant
Deputy Clerk

December 11, 2020

The Honorable Adam J. Bello
Monroe County Executive
39 West Main Street, Suite 110
Rochester, NY 14614

Dear County Executive Bello:

Pursuant to the provisions of Section C2-7 of the Monroe County Charter, I certify to you that at a meeting of the Monroe County Legislature held on the 8th day of December 2020, the Legislature adopted Motions 112-125 and Resolutions 302-345, which are attached hereto.

Those items requiring action by the County Executive have affixed to them, a signature block for you to approve or veto the legislative act.

This letter constitutes notice of the adoption of the attached resolutions at the above-stated meeting and presentment of them to you as required by Section C2-7 of the Monroe County Charter.

Additionally, attached are local laws (Intro. No. 368 of 2020 and Intro. No. 396 of 2020) approved by the Legislature and presented for approval as set forth in § 21 of the Municipal Home Rule Law of the State of New York.

In the space provided on each resolution, kindly indicate whether you approve or veto these resolutions, affix your signature and date and return them to me at your earliest convenience. If you veto a resolution, please return it with your objections stated in writing.

Additionally attached are Motion Nos. 126-128, which I certify to you, were adopted at a meeting of the Monroe County Legislature held on the 10th day of December 2020. These items do not require action by the County Executive, but are being provided as they relate to the motions and resolutions adopted by the Legislature on the 8th day of December 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Moffitt", is written over a signature block.

Jack Moffitt
Clerk of the Legislature

Attachments