



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

August 7, 2020

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Enact a Local Law Amending the Monroe County Charter to Establish an Independent Redistricting Commission

Honorable Legislators:

I recommend that Your Honorable Body enact a local law amending the County Charter to establish an Independent Redistricting Commission (the "Commission").

As you know, following the completion of the 2020 United States Census, the legislative districts of Your Honorable Body must be redrawn to ensure equal representation of Monroe County residents. It is imperative that the districts be drawn in a non-partisan and transparent manner. New Yorkers support an independent redistricting process, as demonstrated by voters' approval of a State independent redistricting commission in a 2014 referendum. Creating an Independent Redistricting Commission will ensure that voters have confidence that the redistricting process is fair and impartial.

The proposed Local Law will amend the Charter to create the Commission, which will be comprised of independent community representatives and the Commissioners of the Board of Elections. Elected officials, political party officials, lobbyists, and the relatives of those individuals will not be eligible to serve on the Commission.

The Commission will draw compact, contiguous districts that will seek to avoid dividing Towns, Villages, and neighborhoods within the City of Rochester. The Commission's process will be transparent, with meetings open to the public. In addition to its regular meetings, the Commission will hold at least two public hearings prior to the completion of its work. The proposed Local Law will also ensure that Monroe County residents are represented by legislators from the newly drawn districts as soon as possible, complying with the constitutional one-person one-vote principle and ensuring equity in representation of Monroe County residents.

The specific legislative actions required are:

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law to amend the Monroe County Charter to Establish an Independent Redistricting Commission.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c) and is not subject to review under the State Environmental Quality Review Act.

This proposed Local Law will have no impact on the revenues or expenditures of the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello
Monroe County Executive

AJB:db

By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. _____ OF 2020

ENACTING A LOCAL LAW AMENDING THE MONROE COUNTY CHARTER TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION

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

Section 1. Section C2-12 of the Monroe County Charter is amended to read as follows:

§ C2-12. Number of districts; district boundaries; reapportionment.

A. Number of districts. For the purpose of electing County Legislators, Monroe County shall be divided into 29 districts. One County Legislator shall be elected to the County Legislature from each of said districts.

B. District boundaries. The description of the boundaries of the 29 legislative districts shall be set forth in § A4-4 of the Administrative Code. In the description of said districts, all references to towns and villages apply to that territory wholly contained in each of the towns and villages in the County bounded as of ~~April 1, 2010~~ the most recent regular federal census taken in the County. Said district boundaries shall be changed only by local law and in accordance with the reapportionment procedures and standards set forth in § C2-12C.

C. Reapportionment procedures and standards.

(1) The County Legislature shall appoint ~~a Legislative District Revision~~ an Independent Redistricting Commission ("Commission") to evaluate the existing legislative districts for equity and representation in relation to population within ~~six~~ three months after the publication of the results of each regular federal census taken in the County; or within ~~six~~ three months after the publication of the results of any County-wide federal or special population census, taken pursuant to § 20 of the General Municipal Law of the State of New York, and held not more often than once every five years; or after any annexation which has the effect of increasing or decreasing the population of any legislative district by more than 10%.

(2) Such Commission shall consist of ~~the eight members, of the County Board of Elections, the President of the County Legislature, the County Executive and one person selected by the legislative members of each legally constituted political party represented on the County Legislature.~~ who shall serve without compensation, appointed as follows:

- (a) The two Commissioners of the Monroe County Board of Elections;
- (b) Two retired judges that maintain their permanent residences in Monroe County, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature;

- (c) Two representatives recommended by a publicly recognized organization committed to voters' rights, one to be appointed by the Majority Leader and one appointed by the Minority Leader of the Monroe County Legislature. The "publicly recognized organization committed to voters' rights" must have been legally incorporated at least two years prior to the formation of a Commission. For purposes of § C2-12, any political committee, as defined in Article 14 of the New York Election Law, shall not be considered a "publicly recognized organization committed to voters' rights";
- (d) Two representatives of a publicly recognized organization committed to the rights of racial or ethnic minorities, women, persons who identify as LGBTQ, or persons with disabilities, one to be appointed by the Majority Leader and one to be appointed by the Minority Leader of the Monroe County Legislature. The "publicly recognized organization committed to the rights of racial or ethnic minorities, women, persons who identify as LGBTQ, or persons with disabilities" must have been legally incorporated at least two years prior to the formation of a Commission. For purposes of § C2-12, any political committee, as defined in Article 14 of the New York Election Law, shall not be considered a "publicly recognized organization committed to the rights of racial or ethnic minorities, women, persons who identify as LGBTQ, or persons with disabilities"; and
- (e) Each Commission shall have a Chairperson, who shall be a member of the Commission elected by no less than five affirmative votes of all members of the Commission.

(3) Except for individuals appointed pursuant to § C2-12C(2)(a) and § C2-12C(2)(b), the following classes of individuals shall not be eligible to serve as members of a Commission:

- (a) Individuals who currently serve or have served in any elected federal, state, or local office in the immediately preceding ten years;
- (b) Individuals who currently hold or have held any political party position or any political party office, above the office of committee person, whether by election, appointment, or otherwise, during the immediately preceding five years;
- (c) Individuals who have served as a paid consultant or lobbyist retained by any candidate for public office or political party in the immediately preceding ten years; or
- (d) Individuals who are the parent, child, sibling, or spouse of any current member of the Monroe County Legislature or of any political party officer, above the office of committee person.

~~(3)~~ (4) The Commission shall study the population data and within three months after appointment make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of legislative districts. The proposed local law shall provide for substantially equal weight for all voters in the allocation of representation in the Monroe County Legislature and shall seek to avoid dividing towns, villages, and neighborhoods within the City of Rochester to the greatest extent possible.

~~(4)~~ (5) In its deliberations to redesign the legislative districts, the Commission shall comply with the equal protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, §§ 1 and 11, of the New York State Constitution. Further, legislative districts shall be of compact and contiguous territory to the extent possible.

~~(5)~~ (6) ~~Within three months after the submission of the report of the Commission, which shall be submitted to the County Legislature in the form of a proposed local law, the Legislature shall conduct a public hearing on the proposed changes, if any, and shall then enact a local law setting forth revised district boundaries, subject to such permissive referendum as may be required pursuant to applicable state law. Within sixty (60) days of a Commission's submission of the proposed local law to the County Legislature, the County Legislature shall conduct a public hearing on the proposed local law and either approve or reject, but shall not amend or fail to vote upon, a Commission's proposed local law. If the County Legislature shall fail to approve the proposed local law within sixty (60) days of its submission from a Commission, the County Legislature shall return the proposed local law to the Commission and the Commission shall consider changes to the proposed local law. The Commission shall reconvene and resubmit a proposed local law to the County Legislature within thirty (30) days of its receipt of the proposed local law rejected by the County Legislature. Within thirty (30) days of the Commission's resubmission of a proposed local law to the County Legislature, the County Legislature shall either approve or reject, but shall not amend or fail to vote upon, the Commission's proposed local law. If the County Legislature shall fail to approve the proposed local law within thirty (30) days of its resubmission by the Commission, the County Legislature shall create and approve its own local law. A local law created by the County Legislature shall require the approval of not less than two-thirds of all County Legislators and shall be subject to the requirements of § C2-12C(4), § C2-12C(5), and other applicable law.~~

~~(6)~~ (7) ~~If such local law is defeated by referendum, or is finally declared invalid by a court of competent jurisdiction, the Legislative District Revision Commission shall be reactivated to study and prepare a new proposed local law for submission to the County Legislature at least 150 days prior to the next general election, subject to the same procedures and requirements as provided above.~~

(8) Five members of a Commission shall constitute a quorum for purposes of conducting the work of the Commission.

(9) Five affirmative votes of a Commission shall be required to adopt and submit a proposed local law to the County Legislature.

(10) A Commission shall hold regular and special meetings that shall be open to the public in accordance with New York's Open Meetings Law. A Commission shall maintain records of all proceedings. Special meetings shall be called by the Chairperson upon his or her initiative or upon written request of at least four Commission members. Notice of the time and place of regular meetings shall be made available to the public and media at least seven (7) days prior to such regular meetings and at least two (2) days prior to special meetings. Meetings shall be conducted in accordance with the latest edition of Robert's Rules of Order.

(11) Clerical services required by a Commission shall be provided on a bi-partisan basis by the Board of Elections. A Commission may receive and utilize such necessary facilities, data, and resources of Monroe County as it may reasonably request in order to discharge its duties.

(12) A Commission shall conduct at least two (2) public hearings within the County of Monroe for the purpose of soliciting input and information from the public. A Commission shall conduct at least one hearing prior to beginning its work on the reapportionment plan. At least one hearing shall be conducted following a Commission's completion of a proposed plan, but prior to a Commission's adoption of such plan. At least seven (7) days prior to the hearing concerning the proposed plan, a Commission shall make such plan available to the public and the media. A Commission shall provide at least seven (7) days prior notice to the public and media of the time and place of all hearings.

(13) Each Commission shall expire thirty (30) days after a local law is adopted pursuant to § C2-12C. Upon the expiration of each Commission, all records of a Commission and its proceedings shall be deposited with the Clerk of the Legislature.

(14) All vacancies in a Commission shall be filed in the same manner as their original appointments.

Section 2. Section C2-2 of the Monroe County Charter is amended as follows:

§ C2-2. Term and Election

E. Notwithstanding the provisions of § C2-2D, if the redistricting process required in § C2-12 has not been completed at least thirty (30) days prior to the first date in 2021 on which candidate designating petitions may be signed, as established by the New York State Election Law, all Legislators elected at the general election to be held in the year 2021 shall serve for a term of one year in the then-existing districts; and thereafter, Legislators' terms shall revert to the cycle of a four-year term, followed by another four-year term, followed by a two-year term.

~~E. E.~~ No person elected in the year 1995, or thereafter, may serve as a County Legislator for longer than 10 consecutive years. If a County Legislator has served 10 years during the course of any term for which such person may have been elected, the expiration of 10 years of service during that term shall cause a vacancy; provided, however, that if a County Legislator's first term in office occurred as a result of an appointment or election to fill an unexpired term caused by a vacancy, no part of such legislative service shall accumulate against the ten-year limitation until the first day of January of the first even-numbered year of such service. No person who has served 10 consecutive years in the County Legislature shall again be eligible to serve as a County Legislator until two years have passed since the end of such person's 10 years of service. The provisions of this subsection shall not apply to County legislative service prior to the first day of January 1996.

~~F. G.~~ Election. Elections for County Legislators shall be conducted at general elections in ~~each-odd-numbered year, in~~ accordance with and in the manner now or hereafter provided in the State Election Law and in accordance with the plan set forth in § C2-2D and § C2-2E above.

Section 3. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered

Section 4. 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; _____, 2020 - CV:

_____ Committee; _____, 2020 - CV:

File No. 20-____.LL

ADOPTION: Date: _____

Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added language is underlined.

Deleted language is ~~stricken~~.