

**Requesting The New York State Legislature Introduce Home Rule Legislation Amending General Municipal Law To Authorize A Permissive Referendum For The County Of Ulster's Independent Re-Districting Plan**

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete and Rodriguez)

Chairman Kenneth J. Ronk, Jr. offers the following:

WHEREAS, the Ulster County Charter, Article II, Section C-10 provides for a method of apportioning the Ulster County Legislature decennially by a Commission on Reapportionment; and

WHEREAS, the said Charter section C-10 sets forth the procedure for the establishment of the Commission on Reapportionment and enumerates the powers and duties of the Commission on Reapportionment with regard to the adoption and approval of a plan of reapportionment; and

WHEREAS, the said Charter section C-10 further provides that the said plan of reapportionment be subject to a permissive referendum; and

WHEREAS, Charter section C-10(L) further provides in relevant part that if the County of Ulster is not authorized to hold a permissive referendum on the plan of reapportionment adopted by the Commission on Reapportionment pursuant to State law, then the Ulster County Charter Revision Commission must be reconvened, as provided for in section 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 section C-10 of the Ulster County Charter; and

WHEREAS, a County generally may not conduct a permissive referendum unless authority to do so is specifically articulated in State Law; and

WHEREAS, the Ulster County Legislature finds no express authority in General Municipal Law Section 24 or other applicable State Law to conduct a permissive referendum on a plan of reapportionment adopted pursuant to the procedures set forth in Ulster County Charter section C-10; and

WHEREAS, The Ulster County Legislature must obtain such authority before November 1, 2017 or the Ulster County Charter Revision Commission must be reconvened to address the method of apportionment under the Charter; and

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WHEREAS, the Ulster County Legislature is desirous of adhering to the current method of apportionment provided for in Charter section C-10 and seeks to obtain appropriate State authority to avoid the contingency of reconvening the Ulster County Charter Revision Commission; now, therefore be it

RESOLVED, that the County of Ulster requests that the substance of the following legislation be introduced in and passed by the New York State Legislature and executed by the Governor enacting a new section 24-A of the State General Municipal Law as follows:

*Ulster County is authorized to conduct a permissive referendum on a plan adopted by a Commission on Reapportionment to apportion the Ulster County Legislature pursuant to the Ulster County Charter for the Primary and General Elections to be held in the year 2023, and on such Reapportionment plans adopted by a Commission on Reapportionment for such elections every ten years thereafter.*

*Solely for the purposes of this Article, each such plan adopted by the Commission on Reapportionment of the County of Ulster for the apportionment of the Ulster County Legislature shall be deemed a "local law", and any such "local law" which is subject to referendum on petition as provided in this section, in any other state statute, or in the Ulster County Charter, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption by the Ulster County Commission on Reapportionment; nor until approved by the affirmative vote of a majority of the qualified electors of Ulster County voting on a proposition for its approval if within forty-five days after its adoption there be filed with the clerk of the Ulster County Legislature a petition protesting against such "local law", and the principle elements designated therein for separate submission, signed and authenticated as herein required by qualified electors of Ulster County, registered to vote therein at the last preceding general election, in a number equal to the lesser of 15,000 or at least five (5%) per centum of the total number of votes cast for governor at the last gubernatorial election in Ulster County.*

*If such petition be so filed, a proposition for the approval of such "local law" shall be submitted at the next general election of state or local government officers held in Ulster County not less than sixty days after the filing of such petition, unless the petition request and the Ulster County Legislature adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the said local law providing for such special election.*

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*The petition may be made upon separate sheets, and the signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The clerk shall examine each such petition so filed with him or her and not later than thirty days after the date of its filing, or forty-five days before the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he or she has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law.*

*If within five days after the last day to file such certificate a written objection to the determination of the clerk be filed with the supreme court, or any justice thereof, of a judicial district in which Ulster County or any part thereof is located, such court or justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section 16-116 of the election law.*

*The Ulster County Legislature on its own motion may adopt a resolution requiring that a proposition or propositions for the approval of such a "local law" and the principal elements therein as shall have been designated for separate submission, be submitted at a referendum, in accordance with this section, at the next general election, or at a special election, held not less than sixty days after the adoption of such resolution.*

and, be it further

RESOLVED, that the Chairman and the Clerk of the Ulster County Legislature be authorized to execute and submit a Home Rule Request (Request by a Local Government for Enactment of a Special Law), pursuant to Article IX of the Constitution; and, be it further

RESOLVED, that these intentions be transmitted to New York State Senators George A. Amedore, John J. Bonacic, William J. Larkin, Jr. and James Seward, and New York State Assemblymen Kevin A. Cahill, Frank K. Skartados, Brian D. Miller, and Peter Lopez,

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Laws and Rules, Governmental Services on April 17, 2017

Passed Committee: Laws and Rules, Governmental Services on \_\_\_\_\_.

FINANCIAL IMPACT:

NONE