

LOCAL LAW NO. "V" FOR 2016

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

Introduced: 10/13/16

By: Mr. Crouse, Ms. McKnight, Mr. Simpson, Mss. Willingham, Chapman, Messrs. Fein, Clay, Tunny, Hogan, Ms. Lockart, Messrs. Mackey and Feeney:

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 as to how County Legislative Districts 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. One additional member to the commission shall be selected upon the recommendation of the NAACP Albany, N.Y. Branch. 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, and then present the combined recommendations of both commissions as one reapportionment recommendation to the full county legislature for their consideration.
- (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, 2018. 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 7, 2017.

Referred to Law Committee. 10/13/16