



ECLEG JUL11'11 PM 2:15

COUNTY OF ERIE

CHRIS COLLINS
COUNTY EXECUTIVE

July 11, 2011

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Non-Partisan, Independent Committee on Reapportionment

Honorable Members:

Attached you will find proposed legislation that amends the Erie County Charter and establishes an impartial citizen reapportionment committee. This amendment will introduce comprehensive community representation into the reapportionment process while ensuring compliance with state and federal election regulations.

The attached legislation would amend Section 210 of the Erie County Charter which pertains to the Advisory Committee on Reapportionment. Members of the non-partisan, independent redistricting commission will be recommended by the following organizations:

- the University at Buffalo Law School
- the Buffalo Urban League
- the Erie County Farm Bureau
- the Association of Erie County Governments
- the League of Women Voters
- the Buffalo Niagara Partnership
- and the Buffalo AFL-CIO Central Labor Council

The proposed legislation also outlines four key criteria any new plan must meet as well as requirements to ensure a true citizen committee. I respectfully request the Legislature to introduce this legislation and hold a vote for its approval.

Sincerely,

CHRIS COLLINS
Erie County Executive

COUNTY OF ERIE
LOCAL LAW INTRO NO. ____-2011
LOCAL LAW NO. ____-2011

A LOCAL LAW, amending Section 210 of the Erie County Charter, known as the "Advisory Committee on Reapportionment":

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

Section 1: LEGISLATIVE INTENT

The purpose of this Local Law is to amend Section 210 of the Erie County Charter known as the "Advisory Committee on Reapportionment":

This change would establish an impartial citizen reapportionment committee to guarantee fair and non-partisan representation. This amendment will introduce comprehensive community representation into the reapportionment process while ensuring compliance with state and federal election regulations.

Section 2: AMENDMENT TO ERIE COUNTY CHARTER SECTION 210

Erie County Local Law Number One of nineteen hundred fifty-nine, constituting the Erie County Charter, as amended, is amended by amending section two hundred ten thereto to read as follows:

210. Advisory Committee on Reapportionment.

- a. During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the county legislature as to whether and how the county legislature should be reapportioned consistent with federal and state law. During the first two months of the year such advisory committee is to be created, the chairman of the county legislature shall give public notice of the intent to create such an advisory committee.
- b. The county legislature shall create the advisory committee consisting of seven citizen members representing the following organizations: the University at Buffalo School of Law, the Buffalo Urban League, the Erie County Farm Bureau, the Association of Erie County Governments, the Buffalo Niagara Partnership, the Buffalo AFL-CIO Central Labor Council and the League of Women Voters. Advisory committee members themselves shall be recommended by their respective organizations and the legislature shall then formally appoint same. The advisory committee shall elect one of its members to serve as Chair. Members of the advisory committee shall not have held public office in the previous three years of the committee's creation, been the spouse of or directly related to an elected official or have served in an official capacity within any political party.

- c. Consistent with Section 2305 of this Charter, the advisory committee may adopt bylaws that are not in conflict with this Charter, subject to the approval of the county legislature. Such approval shall not be unreasonably withheld.
- d. Also consistent with Section 2305 of this Charter, all advisory committee meetings shall be held in compliance with the Open Meetings Law.
- e. The committee shall, on public notice of no less than ten days, hold a public hearing during which the citizens of Erie County shall have an opportunity to voice their suggestions for reapportionment. The Chairman of the committee shall be present at such hearing along with all other committee members who are able to attend. The hearing shall be audio recorded for the benefit of those committee members unable to attend. Publication in the designated county newspapers shall constitute sufficient notice of hearing.
- f. The advisory committee shall prepare a plan for reapportionment which works toward equal representation for the citizens of Erie County. Population variance between the most populated and least populated districts shall not exceed three percent. The committee shall endeavor to maintain communities of interest together whenever practicable. The committee shall also attempt to minimize the vastness of land mass within districts so as to allow for the adequate representation of each citizen within such districts. The intended result of these objectives is to create compact and efficient districts with fair and equal representation for all citizens of Erie County.
- g. The advisory committee shall submit its final report, in the form of a local law, to the county legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie County, whichever is later. At any time prior to the expiration of this term, the county legislature may extend such term once, for a period not to exceed thirty days.
- h. Within ten days of the committee's submission, the chairman of the county legislature shall introduce for consideration by the body as a whole, the local law recommended for adoption by the committee. The legislative body shall, without the option of moving the item from consideration or amending it from its submitted form, vote to adopt or not adopt the local law submitted by the committee. Such vote shall take place at the first scheduled session after such local law on reapportionment becomes ripe for action pursuant to the provisions of this Charter, the Erie County Administrative Code and NYS Municipal Home Rule Law as they relate to the procedure for the adoption of local laws.
- i. If the county legislature shall not adopt the committee's proposed reapportionment plan, it shall within five days of the vote, communicate to the committee in writing the reasons thereof. The committee shall have fifteen days from the date of the vote to revise and resubmit a plan to the county legislature for consideration. If such plan, revised and resubmitted, shall not be adopted by the legislature at the next scheduled

session after it becomes ripe for action, the originally submitted committee plan shall be deemed adopted and presented to the County Executive for his approval or veto.

- j. The committee shall heretofore be the only source of formal plans for reapportionment which may be considered for adoption by the Erie County Legislature.

Section 3: EFFECTIVE DATE.

This Local Law shall take effect on January 1, 2012, following approval by the electors of the County at the next general election of state or county government officers held not less than sixty days following the adoption of this local law.

Section 4: SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this Local 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 of 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 Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.