

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

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ESSEX COUNTY CLERK
2012 JUN 22 AM 11: 22
ELIZABETH TOWN, NY 12932

County
City of Essex
Town
Village

Local Law No. 2 of the year 2012

A local law adopting a plan of apportionment of the Essex County Board of Supervisors based upon the 2010 United States Census pursuant to Municipal Home Rule Law §10, subdivision 1(ii) a (13).
(Insert Title)

Be It enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
City of Essex as follows:
Town
Village

ESSEX COUNTY LOCAL LAW NO. 2 OF 2012

A local law adopting a plan of apportionment of the Essex County Board of Supervisors based upon the 2010 United States Census pursuant to Municipal Home Rule Law §10, subdivision 1(ii) a (13).

BE IT ENACTED by the Board of Supervisors of Essex County as follows:

§1. Legislative Findings

New York Municipal Home Rule Law §10, subdivision 1, paragraph (ii) subparagraph a (13), provides for the apportionment of a county legislative body based upon a plan utilizing a population (defined as "residents, citizens, or registered voters") based from the latest statistical information obtainable from official enumeration done at the same time for all residents, citizens, or registered voters of the County.

The 2010 Census determined that Essex County has a total population of 39,370. Included within that population, however, are 1,724 persons confined in the state and federal correctional facilities located in the towns of Moriah and North Elba, a figure which represents 4.3790% of the total population in Essex County. The largest portion of state and federal inmates - 1,530 - are located in the town of North Elba, with 1,179 being

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incarcerated in the Federal Correctional Institution in Ray Brook and 351 being incarcerated in the New York State Correctional Facility known as Camp Adirondack. These 1,530 incarcerated individuals represent 17.0816% of the town of North Elba's population of 8,957 and 3.8862% of the County population. Also, the population in the town of Moriah of 4,798 includes 194 persons who are incarcerated in the New York State Correctional Facility known as Moriah Shock, which represents 4.0433% of the town's population and 0.493% of the County population.

Persons incarcerated in the state and federal correctional institutions have been convicted of criminal acts constituting felonies and their presence in Essex County is considered involuntary. These incarcerated persons: are not residents of the County since they are here involuntarily and can be relocated by the Commissioner of Corrections at the latter's discretion; are not entitled to vote and thus are not voters in Essex County; and receive no services from the County - except when they commit new criminal acts and are brought before County Court, or when they are entitled to assignment of counsel as indigents in connection with parole hearings under New York Executive Law Article 12-B. Persons incarcerated in state and federal correctional institutions live in a separate environment, do not participate in the life of Essex County, and do not affect the social and economic character of the towns in which they are located.

The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons residing in other towns within Essex County. This is particularly so if the 1,724 inmates in the Town of North Elba are included in its population total of 8,957 since those inmates would then represent 17.0816% of the town of North Elba's population.

The Board of Supervisors finds that the population base to be utilized in and by the plan apportioning the Essex County Board of Supervisors should exclude state and federal inmates.

§2. **Vote of Board of Supervisors Apportioned**

- (a) This local law constitutes a plan establishing the voting powers of individual members of the Essex County Board of Supervisors providing for substantially equal weight for all voters of Essex County as required by Municipal Home Rule § 10, subdivision 1, paragraph (ii) subparagraph a (13).
- (b) The population base to be utilized in apportioning the votes of the Essex County Board of Supervisors shall be the 2010 United States Census exclusive of those persons incarcerated in the state and federal correctional institutions and facilities located within Essex County.
- (c) The apportioning calculations have been based upon the Banzhaf Power Index with such calculations resulting in a discrepancy factor of less than 2

points as a comparison of percentage of population to voting power. The following discrepancy calculations were arrived at within the Banzhaf Power Index formula;

Simple Majority Plan	Discrepancies:	0.613181 and -1.526950
Two Thirds Majority Plan	Discrepancies:	0.743360 and -1.473102
Three Fifths Majority Plan	Discrepancies:	0.979452 and -1.265708
Three Fourths Majority Plan	Discrepancies:	1.405996 and -1.969137

(d) For purposes of apportionment under this local law, the total population of Essex County is 37,646, and the population of each town is as follows;

Chesterfield	2,445	Newcomb	436
Crown Point	2,024	North Elba	7,427
Elizabethtown	1,163	North Hudson.....	240
Essex	671	St. Armand	1,548
Jay	2,506	Schroon	1,654
Keene	1,105	Ticonderoga	5,042
Lewis	1,382	Westport	1,312
Minerva	809	Willsboro	2,025
Moriah	4,604	Willmington	1,253

(e) (e) Notwithstanding the provisions of any general, special or Local Law to the contrary, at all meetings of the Board of Supervisors on and after the first day of July, 2012 continuing until the passage of a successor Local Law based upon the next Decennial Federal Census, unless an official County Census shall be sooner made, each Town (Supervisor) shall be entitled to the number of votes as are set forth in Sections 3, 4, 5, and 6, as applicable, herein set forth in this Local Law when voting on any Resolution, Local Law, motion, proposal or other matter to be voted upon by the Board of Supervisors.

§3. **Simple Majority Vote**

In voting on any motion or resolution requiring a simple majority vote for passage or adoption:

- (a) the total number of weighted votes for the Board shall be 2,921; and
- (b) the minimum number of weighted votes required to pass such motion or adopt such resolution shall be 1461; and
- (c) the respective Supervisors of the eighteen (18) towns comprising the County of Essex shall have the number of votes set forth opposite the name of the town wherein he/she is elected, said number of votes being as follows:

<u>Town</u>	<u>Vote</u>	<u>Town</u>	<u>Vote</u>
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Chesterfield	196	Newcomb	35
Crown Point	162	North Elba	520
Elizabethtown	95	North Hudson	20
Essex	55	St. Armand	126
Jay	202	Schroon	133
Keene	90	Ticonderoga	387
Lewis	111	Westport	106
Minerva	65	Willsboro	162
Moriah	355	Wilmington	101

§4. **Two-Thirds Vote**

In voting on any motion or resolution requiring a two-thirds vote for passage or adoption:

- (a) the total number of weighted votes for the Board shall be 4,039; and
- (b) the minimum number of weighted votes required to pass such motion or adopt such resolution shall be 2694; and
- (c) the respective Supervisors of the eighteen (18) towns comprising the County of Essex shall have the number of votes set forth opposite the name of the town wherein he/she is elected, said number of votes being as follows:

<u>Town</u>	<u>Vote</u>	<u>Town</u>	<u>Vote</u>
Chesterfield	261	Newcomb	47
Crown Point	216	North Elba	853
Elizabethtown	124	North Hudson	25
Essex	71	St. Armand	165
Jay	268	Schroon	177
Keene	118	Ticonderoga	515
Lewis	147	Westport	140
Minerva	86	Willsboro	216
Moriah	476	Wilmington	134

§5. **Three-Fifths Vote**

In voting on any motion or resolution requiring a three-fifths vote for passage or adoption:

- (a) the total number of weighted votes for the Board shall be 2,323; and
- (b) the minimum number of weighted votes required to pass such motion

or adopt such resolution shall be 1394; and

- (c) the respective Supervisors of the eighteen (18) towns comprising the County of Essex shall have the number of votes set forth opposite the name of the town wherein he/she is elected, said number of votes being as follows:

<u>Town</u>	<u>Vote</u>	<u>Town</u>	<u>Vote</u>
Chesterfield	151	Newcomb	28
Crown Point	126	North Elba	437
Elizabethtown	73	North Hudson	15
Essex	42	St. Armand	97
Jay	155	Schroon	103
Keene	70	Ticonderoga	311
Lewis	87	Westport	83
Minerva	51	Willsboro	126
Moriah	289	Wilmington	79

§6. **Three-Fourths Vote**

In voting on any motion or resolution requiring a three-fourths vote for passage or adoption:

- (a) the total number of weighted votes for the Board shall be 2,146; and
- (b) the minimum number of weighted votes required to pass such motion or adopt such resolution shall be 1610; and
- (c) the respective Supervisors of the eighteen (18) towns comprising the County of Essex shall have the number of votes set forth opposite the name of the town wherein he/she is elected, said number of votes being as follows:

<u>Town</u>	<u>Vote</u>	<u>Town</u>	<u>Vote</u>
Chesterfield	109	Newcomb	19
Crown Point	91	North Elba	821
Elizabethtown	52	North Hudson	11
Essex	30	St. Armand	68
Jay	112	Schroon	74
Keene	50	Ticonderoga	212
Lewis	62	Westport	58
Minerva	36	Willsboro	91
Moriah	195	Wilmington	55

§7. **Repeal of Prior Law**

Local Law No. 1 of 2003 is hereby repealed.

§8. **Effective Date; Permissive Referendum**

This local law shall become effective July 1, 2012, however this local law is subject to permissive referendum pursuant to Municipal Home Rule Law §24 and shall not take effect until at least forty-five (45) days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the County voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Clerk of the Board a petition protesting against such local law, signed and authenticated as herein required by qualified electors of the County, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the County.

§9. **Attached Technical Documents**

This resolution shall have attached as part of its record, four (4) separate technical sheets detailing the calculations under the Banzhaf Power Index formula which document for each Weighted Vote Plan the following information;

- A. Town
- B. Population (2010 Census less inmates)
- C. Vote
- D. Number of Decisive Combinations
- E. Percentage of Vote
- F. Voting Power
- G. Percentage of Population
- H. Discrepancy

§10. If any section, subdivision, paragraph, subparagraph, clause, term or part thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion and shall not affect the validity of the remaining portion(s) of this Local Law.

(If additional space is needed, attach pages the same size as this sheet and number each.)(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the Board of Supervisors on ___ in accordance with the applicable provisions of law.
(Name of legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20 __, and was (approved)(not approved)(repassed after (Name of legislative Body) disapproval) by the _____ and was deemed duly adopted on _____, 20 __, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 __ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20 __ and was (approved)(not approved)(repassed after (Name of legislative Body) disapproval) by the _____ on _____, 20 __. Such local law was submitted (Elective Chief Executive Officer*) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20 __, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2012 of the (County)(City)(Town)(Village) of Essex was duly passed by the Board of Supervisors on May 7, 2012 ~~and was (approved)(not approved)(repassed after~~ (Name of legislative Body) ~~disapproval) by the~~ N/A on N/A, 20 __. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 __ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20 __, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 __ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20 __, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is

a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 above.

Deborah L. Palmer

Deborah L. Palmer

Title: Clerk of the Essex County Board of Supervisors

Date: 6/22/2012

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF ESSEX.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Daniel T. Manning

Daniel T. Manning, Esq.

Title: Essex County Attorney

County

City of Essex

Town

Village

Date: 6/22/2012

Weighted Voting Analysis For Essex County 2012
 Required for passage: 1461 votes.

Essex County- 2012 2921.00
 SIMPLE Majority Plan.

A Town	B Population	C Vote	D # of Decisive Combinations	E % Vote	F Voting Power	G % Population	H Descrepancy
CHESTERFIELD	2,445	196	22,182	6.710030	6.464944	6.494713	-0.458365
CROWN POINT	2,024	162	18,266	5.546045	5.323626	5.376401	-0.981607
ELIZABETHTOWN	1,163	95	10,662	3.252310	3.107440	3.089305	0.587009
ESSEX	671	55	6,138	1.882916	1.788920	1.782393	0.366157
JAY	2,506	202	22,866	6.915439	6.664296	6.656749	0.113366
KEENE	1,105	90	10,102	3.081136	2.944228	2.935238	0.306255
LEWIS	1,382	111	12,614	3.800068	3.676350	3.671040	0.144641
MINERVA	809	65	7,278	2.225265	2.121173	2.148966	-1.293339
MORIAH	4,604	355	42,050	12.153372	12.255473	12.229718	0.210589
NEWCOMB	436	35	3,934	1.198219	1.146564	1.158157	-1.001002
NORTH ELBA	7,427	520	68,106	17.802122	19.849495	19.728523	0.613181
NORTH HUDSON	240	20	2,154	0.684697	0.627783	0.637517	-1.526950
SCHROON	1,654	133	14,922	4.553235	4.349017	4.393561	-1.013844
ST ARMAND	1,548	126	14,150	4.313591	4.124017	4.111990	0.292490
TICONDEROGA	5,042	387	46,130	13.248887	13.444589	13.393189	0.383780
WESTPORT	1,312	106	11,946	3.628894	3.481661	3.485098	-0.098593
WILLSBORO	2,025	162	18,266	5.546045	5.323626	5.379057	-1.030505
WILMINGTON	1,253	101	11,346	3.457719	3.306791	3.328374	-0.648452
Totals:	37,646	2,921	343,112	100	100	100	

Largest Discrepancies: 0.613181 and -1.526950

Weighted Voting Analysis For Essex County 2012
 Required for passage: 2694 votes.

Essex County- 2012 4039.00
 TWO THIRDS Majority Plan.

A Town	B Population	C Vote	D # of Decisive Combinations	E % Vote	F Voting Power	G % Population	H Discrepancy
CHESTERFIELD	2,445	261	13,228	6.461995	6.517733	6.494713	0.354429
CROWN POINT	2,024	216	10,952	5.347858	5.396296	5.376401	0.370052
ELIZABETHTOWN	1,163	124	6,272	3.070066	3.090355	3.089305	0.033982
ESSEX	671	71	3,622	1.757860	1.784640	1.782393	0.126065
JAY	2,506	268	13,568	6.635305	6.685258	6.656749	0.428272
KEENE	1,105	118	5,980	2.921515	2.946480	2.935238	0.382990
LEWIS	1,382	147	7,450	3.639514	3.670782	3.671040	-0.007034
MINERVA	809	86	4,360	2.129239	2.148270	2.148966	-0.032417
MORIAH	4,604	476	24,960	11.785095	12.298353	12.229718	0.561210
NEWCOMB	436	47	2,368	1.163654	1.166766	1.158157	0.743360
NORTH ELBA	7,427	853	39,450	21.119088	19.437902	19.728523	-1.473103
NORTH HUDSON	240	25	1,286	0.618965	0.633641	0.637517	-0.608110
SCHROON	1,654	177	8,928	4.382272	4.399026	4.393561	0.124394
ST ARMAND	1,548	165	8,364	4.085169	4.121130	4.111990	0.222283
TICONDEROGA	5,042	515	27,354	12.750680	13.477930	13.393189	0.632723
WESTPORT	1,312	140	7,082	3.466204	3.489460	3.485098	0.125180
WILLSBORO	2,025	216	10,952	5.347858	5.396296	5.379057	0.320487
WILMINGTON	1,253	134	6,778	3.317652	3.339673	3.328374	0.339450
Totals:	37,646	4,039	202,954	100	100	100	

Largest Discrepancies: 0.743360 and -1.473102

Weighted Voting Analysis For Essex County 2012
 Required for passage: 1394 votes.

Essex County- 2012 2323.00
 THREE FIFTHS Majority Plan.

A Town	B Population	C Vote	D # of Decisive Combinations	E % Vote	F Voting Power	G % Population	H Descrepancy
CHESTERFIELD	2,445	151	18,023	6.500215	6.412509	6.494713	-1.265708
CROWN POINT	2,024	126	14,989	5.424020	5.333024	5.376401	-0.806789
ELIZABETH TOWN	1,163	73	8,621	3.142488	3.067316	3.089305	-0.711780
ESSEX	671	42	5,009	1.808006	1.782181	1.782393	-0.011902
JAY	2,506	155	18,541	6.672406	6.596812	6.656749	-0.900404
KEENE	1,105	70	8,269	3.013344	2.942076	2.935238	0.232949
LEWIS	1,382	87	10,241	3.745157	3.643705	3.671040	-0.744606
MINERVA	809	51	6,037	2.195436	2.147939	2.148966	-0.047779
MORIAH	4,604	289	34,701	12.440809	12.346474	12.229718	0.954683
NEWCOMB	436	28	3,287	1.205337	1.169501	1.158157	0.979452
NORTH ELBA	7,427	437	55,831	18.811881	19.864441	19.728523	0.688942
NORTH HUDSON	240	15	1,805	0.645716	0.642211	0.637517	0.736246
SCHROON	1,654	103	12,209	4.433921	4.343912	4.393561	-1.130034
ST ARMAND	1,548	97	11,501	4.175634	4.092008	4.111990	-0.485940
TICONDEROGA	5,042	311	37,851	13.387860	13.467231	13.393189	0.552833
WESTPORT	1,312	83	9,801	3.572965	3.487155	3.485098	0.059044
WILLSBORO	2,025	126	14,989	5.424020	5.333024	5.379057	-0.855774
WILMINGTON	1,253	79	9,355	3.400774	3.328470	3.328374	0.002882
Totals:	37,646	2,323	281,060	100	100	100	

Largest Discrepancies: 0.979452 and -1.265708

Weighted Voting Analysis For Essex County 2012
 Required for passage: 1610 votes.

Essex County- 2012 2146.00
 THREE FOURTHS Majority

A Town	B Population	C Vote	D # of Decisive Combinations	E % Vote	F Voting Power	G % Population	H Discrepancy
CHESTERFIELD	2,445	109	11,829	5.079217	6.541683	6.494713	0.723204
CROWN POINT	2,024	91	9,833	4.240447	5.437854	5.376401	1.143015
ELIZABETHTOWN	1,163	52	5,581	2.423112	3.086409	3.089305	-0.093747
ESSEX	671	30	3,209	1.397949	1.774643	1.782393	-0.434802
JAY	2,506	112	12,155	5.219012	6.721968	6.656749	0.979743
KEENE	1,105	50	5,361	2.329916	2.964744	2.935238	1.005237
LEWIS	1,382	62	6,723	2.889095	3.717959	3.671040	1.278074
MINERVA	809	36	3,845	1.677539	2.126365	2.148966	-1.051734
MORIAH	4,604	195	22,267	9.086672	12.314115	12.229718	0.690097
NEWCOMB	436	19	2,053	0.885368	1.135351	1.158157	-1.969137
NORTH ELBA	7,427	821	35,082	38.257222	19.401078	19.728523	-1.659755
NORTH HUDSON	240	11	1,169	0.512581	0.646481	0.637517	1.405996
SCHROON	1,654	74	7,995	3.448275	4.421401	4.393561	0.633674
ST ARMAND	1,548	68	7,331	3.168685	4.054196	4.111990	-1.405514
TICONDEROGA	5,042	212	24,407	9.878844	13.497580	13.393189	0.779436
WESTPORT	1,312	58	6,239	2.702702	3.450297	3.485098	-0.998559
WILLSBORO	2,025	91	9,833	4.240447	5.437854	5.379057	1.093068
WILMINGTON	1,253	55	5,913	2.562907	3.270012	3.328374	-1.753481
Totals:	37,646	2,146	180,825	100	100	100	

Largest Discrepancies: 1.405996 and -1.969137