

(Use this form to file a local law with the Secretary of State.)

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.

County
~~City~~ of Essex
~~Town~~
~~Village~~

Local Law No. 2 of the year 2022

A local law adopting a plan of apportionment of the Essex County Board of Supervisors based upon the 2020 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 2022

A local law adopting a plan of apportionment of the Essex County Board of Supervisors based upon the 2020 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 2020 Census determined that Essex County has a total population of 37,381. Included within that population, however, are 981 persons confined in the state and federal correctional facilities located in the Town of North Elba, a figure which represents 2.6243% of the total population in Essex County. The state and federal inmates - 981 - are located in the Town of North Elba, with 874 being incarcerated in the Federal Correctional Institution in Ray Brook and 107 being incarcerated in the New York State Correctional

Facility known as Camp Adirondack. These 981 incarcerated individuals represent 13.1149% of the Town of North Elba's population of 7,480 and 2.6243% 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 981 inmates in the Town of North Elba are included in its population total of 7,480 since those inmates would then represent 13.1149% 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 2020 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:	1.4323 and -1.6242
Two Thirds Majority Plan	Discrepancies:	1.5350 and -1.4008
Three Fifths Majority Plan	Discrepancies:	1.6421 and -1.1987
Three Fourths Majority Plan	Discrepancies:	1.8181 and -1.8071

- (d) For purposes of apportionment under this local law, the total population of

Essex County is 36,400, and the population of each town is as follows;

Chesterfield	2,476	Newcomb	418
Crown Point	2,042	North Elba	6,499
Elizabethtown	1,203	North Hudson.....	250
Essex	621	St. Armand	1,446
Jay	2,486	Schroon	1,880
Keene	1,144	Ticonderoga	4,789
Lewis	1,293	Westport	1,320
Minerva	773	Willsboro	1,905
Moriah	4,716	Wilmington	1,139

§3. **Weighted Vote**

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 June, 2022 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 4, 5, 6 and 7, as applicable, herein set forth in this Local Law when voting on any motion, Resolution, Local Law, proposal or other matter to be voted upon by the Board of Supervisors.

§4. **Simple Majority Vote**

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

- (a) the total number of weighted votes for the Board shall be 2,853; and
- (b) the minimum number of weighted votes required to pass such local law, motion or adopt such resolution shall be 1,427; 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	199	Newcomb	34
Crown Point	164	North Elba	461
Elizabethtown	99	North Hudson	23
Essex	51	St. Armand	119
Jay	201	Schroon	152
Keene	94	Ticonderoga	369
Lewis	104	Westport	108
Minerva	64	Willsboro	153
Moriah	365	Wilmington	93

§5. **Two-Thirds Vote**

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

- (a) the total number of weighted votes for the Board shall be 3,891; and
- (b) the minimum number of weighted votes required to pass such local law, motion or adopt such resolution shall be 2,594; 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	265	Newcomb	47
Crown Point	219	North Elba	726
Elizabethtown	129	North Hudson	25
Essex	66	St. Armand	154
Jay	267	Schroon	202
Keene	123	Ticonderoga	491
Lewis	139	Westport	142
Minerva	82	Willsboro	204
Moriah	487	Wilmington	123

§6. **Three-Fifths Vote**

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

- (a) the total number of weighted votes for the Board shall be 2,245; and
- (b) the minimum number of weighted votes required to pass such local law, motion or adopt such resolution shall be 1,347; 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	153	Newcomb	27
Crown Point	127	North Elba	382
Elizabethtown	76	North Hudson	15
Essex	39	St. Armand	91
Jay	153	Schroon	117
Keene	72	Ticonderoga	295

Lewis	81	Westport	84
Minerva	48	Willsboro	119
Moriah	294	Wilmington	72

§7. **Three-Fourths Vote**

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

- (a) the total number of weighted votes for the Board shall be 2,039; and
- (b) the minimum number of weighted votes required to pass such local law, motion or adopt such resolution shall be 1,530; 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	111	Newcomb	18
Crown Point	92	North Elba	713
Elizabethtown	54	North Hudson	12
Essex	29	St. Armand	65
Jay	111	Schroon	84
Keene	52	Ticonderoga	205
Lewis	58	Westport	60
Minerva	35	Willsboro	86
Moriah	202	Wilmington	52

§8. **Repeal of Prior Law**

Local Law No. 1 of 2012 is hereby repealed.

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

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.

§10. **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

§11. 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.

****See Attached Pages 8-11****

(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 Essex 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 Board of Supervisors _____ on _____, 20 _____ and was _____ (Name of Legislative Body) (approved)(not approved)(repassed after 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 2022 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Essex was duly passed by the Board of Supervisors on April 4, 2022. (Name of legislative Body)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of May 19, 2022, 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.


Signature **Judith A. Garrison**
Title: Clerk of the Essex County Board of Supervisors
Date: May 19, 2022

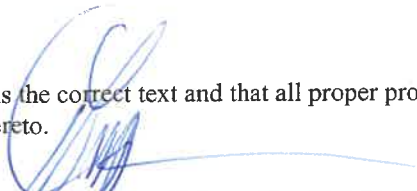
(Seal)

(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.


Signature **Daniel T. Manning, Esq.**
Title: Essex County Attorney
County _____
City of Essex
Town _____
Village _____
Date: May 19, 2022

SIMPLE MAJORITY 2020 NUMBERS

TOWN	Population	Vote	Swings	% of Vote	Voting Power	% Population	Discrepancy
Chesterfield	2,476	199	23,846	6.9751%	6.7846%	6.8022%	-0.2587%
Crown Point	2,042	164	19,542	5.7483%	5.5600%	5.6099%	-0.8893%
Elizabethtown	1,203	99	11,710	3.4700%	3.3317%	3.3049%	0.8095%
Essex	621	51	6,070	1.7876%	1.7270%	1.7060%	1.2283%
Jay	2,486	201	24,074	7.0452%	6.8495%	6.8297%	0.2903%
Keene	1,144	94	11,174	3.2948%	3.1792%	3.1429%	1.1564%
Lewis	1,293	104	12,334	3.6453%	3.5092%	3.5522%	-1.2105%
Minerva	773	64	7,462	2.2433%	2.1231%	2.1236%	-0.0248%
Moriah	4,716	365	46,106	12.7936%	13.1180%	12.9560%	1.2500%
Newcomb	418	34	4,094	1.1917%	1.1648%	1.1484%	1.4323%
North Elba	6,499	461	61,734	16.1584%	17.5644%	17.8544%	-1.6242%
North Hudson	250	23	2,430	0.8062%	0.6914%	0.6868%	0.5678%
St. Armand	1,446	119	14,034	4.1710%	3.9929%	3.9725%	0.5128%
Schroon	1,880	152	18,134	5.3277%	5.1594%	5.1648%	-0.1052%
Ticonderoga	4,789	369	46,638	12.9338%	13.2693%	13.1566%	0.8567%
Westport	1,320	108	12,794	3.7855%	3.6401%	3.6264%	0.3785%
Willsboro	1,905	153	18,246	5.3628%	5.1913%	5.2335%	-0.8067%
Wilmington	1,139	93	11,050	3.2597%	3.1439%	3.1291%	0.4723%
TOTALS:	36,400	2,853	351,472	100%	100%	100%	
Quota (required for passage) : 1,427			Largest Discrepancies: 1.4323 and -1.6242				

2/3RDS MAJORITY 2020 NUMBERS

TOWN	Population	Vote	Swings	% of Vote	Voting Power	% Population	Discrepancy
Chesterfield	2,476	265	13,510	6.8106%	6.8256%	6.8022%	0.3440%
Crown Point	2,042	219	11,274	5.6284%	5.6960%	5.6099%	1.5350%
Elizabethtown	1,203	129	6,574	3.3153%	3.3214%	3.3049%	0.4979%
Essex	621	66	3,382	1.6962%	1.7087%	1.7060%	0.1557%
Jay	2,486	267	13,620	6.8620%	6.8812%	6.8297%	0.7545%
Keene	1,144	123	6,240	3.1611%	3.1526%	3.1429%	0.3100%
Lewis	1,293	139	7,106	3.5723%	3.5902%	3.5522%	1.0598%
Minerva	773	82	4,258	2.1074%	2.1513%	2.1236%	1.3031%
Moriah	4,716	487	25,446	12.5161%	12.8561%	12.9560%	-0.7714%
Newcomb	418	47	2,300	1.2079%	1.1620%	1.1484%	1.1885%
North Elba	6,499	726	34,914	18.6584%	17.6396%	17.8544%	-1.2030%
North Hudson	250	25	1,346	0.6425%	0.6800%	0.6868%	-0.9920%
St. Armand	1,446	154	7,972	3.9579%	4.0277%	3.9725%	1.3889%
Schroon	1,880	202	10,332	5.1915%	5.2200%	5.1648%	1.0681%
Ticonderoga	4,789	491	25,676	12.6189%	12.9723%	13.1566%	-1.4008%
Westport	1,320	142	7,278	3.6494%	3.6771%	3.6264%	1.3988%
Willsboro	1,905	204	10,462	5.2429%	5.2857%	5.2335%	0.9971%
Wilmington	1,139	123	6,240	3.1611%	3.1526%	3.1291%	0.7503%
TOTALS:	36,400	3,891	197,930	100%	100%	100%	

Quota (required for passage) : 2,594

Largest Discrepancies: 1.5350 and -1.4008

3/5THS MAJORITY 2020 NUMBERS

TOWN	Population	Vote	Swings	% of Vote	Voting Power	% Population	Discrepancy
Chesterfield	2,476	153	19,187	6.8151%	6.7478%	6.8022%	-0.7997%
Crown Point	2,042	127	15,897	5.6570%	5.5907%	5.6099%	-0.3421%
Elizabethtown	1,203	76	9,429	3.3853%	3.3160%	3.3049%	0.3345%
Essex	621	39	4,819	1.7372%	1.6948%	1.7060%	-0.6591%
Jay	2,486	153	19,187	6.8151%	6.7478%	6.8297%	-1.1987%
Keene	1,144	72	8,919	3.2071%	3.1367%	3.1429%	-0.1959%
Lewis	1,293	81	10,047	3.6080%	3.5334%	3.5522%	-0.5292%
Minerva	773	48	5,997	2.1381%	2.1091%	2.1236%	-0.6840%
Moriah	4,716	294	37,445	13.0958%	13.1688%	12.9560%	1.6421%
Newcomb	418	27	3,277	1.2027%	1.1525%	1.1484%	0.3612%
North Elba	6,499	382	50,471	17.0156%	17.7499%	17.8544%	-0.5853%
North Hudson	250	15	1,939	0.6682%	0.6819%	0.6868%	-0.7154%
St. Armand	1,446	91	11,393	4.0535%	4.0067%	3.9725%	0.8602%
Schroon	1,880	117	14,575	5.2116%	5.1258%	5.1648%	-0.7558%
Ticonderoga	4,789	295	37,613	13.1403%	13.2279%	13.1566%	0.5420%
Westport	1,320	84	10,439	3.7416%	3.6712%	3.6264%	1.2351%
Willsboro	1,905	119	14,793	5.3007%	5.2025%	5.2335%	-0.5927%
Wilmington	1,139	72	8,919	3.2071%	3.1367%	3.1291%	0.2422%
TOTALS:	36,400	2,245	284,346	100%	100%	100%	

Quota (required for passage) : 1,347

Largest Discrepancies: 1.6421 and -1.1987

3/4THS MAJORITY 2020 NUMBERS

TOWN	Population	Vote	Swings	% of Vote	Voting Power	% Population	Discrepancy
Chesterfield	2,476	111	11,003	5.4438%	6.7908%	6.8022%	-0.1676%
Crown Point	2,042	92	9,065	4.5120%	5.5947%	5.6099%	-0.2708%
Elizabethtown	1,203	54	5,319	2.6484%	3.2828%	3.3049%	-0.6701%
Essex	621	29	2,789	1.4223%	1.7213%	1.7060%	0.8942%
Jay	2,486	111	11,003	5.4438%	6.7908%	6.8297%	-0.5691%
Keene	1,144	52	5,121	2.5503%	3.1606%	3.1429%	0.5645%
Lewis	1,293	58	5,725	2.8445%	3.5333%	3.5522%	-0.5320%
Minerva	773	35	3,409	1.7165%	2.1040%	2.1236%	-0.9242%
Moriah	4,716	202	20,867	9.9068%	12.8786%	12.9560%	-0.5977%
Newcomb	418	18	1,827	0.8828%	1.1276%	1.1484%	-1.8071%
North Elba	6,499	713	29,405	34.9681%	18.1481%	17.8544%	1.6450%
North Hudson	250	12	1,133	0.5885%	0.6993%	0.6868%	1.8181%
St. Armand	1,446	65	6,403	3.1878%	3.9518%	3.9725%	-0.5218%
Schroon	1,880	84	8,303	4.1197%	5.1244%	5.1648%	-0.7829%
Ticonderoga	4,789	205	21,149	10.0539%	13.0527%	13.1566%	-0.7897%
Westport	1,320	60	5,923	2.9426%	3.6555%	3.6264%	0.8032%
Willsboro	1,905	86	8,463	4.2178%	5.2232%	5.2335%	-0.1971%
Wilmington	1,139	52	5,121	2.5503%	3.1606%	3.1291%	1.0060%
TOTALS:	36,400	2,039	162,028	100%	100%	100%	
Quota (required for passage) : 1,530			Largest Discrepancies: 1.8181 and -1.8071				