

(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 Lewis
~~Town~~
~~Village~~

Local Law No. 2 of the year 19 93

A local law TO AMEND LOCAL LAW NO. 1-1968, COUNTY OF LEWIS IN RELATION TO
(Insert Title)

THE IMPLEMENTATION OF REAPPORTIONMENT WITHIN THE COUNTY OF LEWIS.

Be it enacted by the Board of Legislators of the
(Name of Legislative Body)

County
~~City~~ of Lewis as follows:
~~Town~~
~~Village~~

(See Attached Sheets)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 2 - 1993
COUNTY OF LEWIS

Introduced by Legislator Eleanor Kaido, Chairman of the Records and Elections Committee.

A LOCAL LAW TO AMEND LOCAL LAW NO. 1-1968, COUNTY OF LEWIS IN RELATION TO THE IMPLEMENTATION OF REAPPORTIONMENT WITHIN THE COUNTY OF LEWIS.

BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

Section 1.
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ARTICLE I
Purpose

Section
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Section 100. Purpose.

This local law and all amendments hereto shall constitute the form of government of the County of Lewis.

The prime purpose of this local law is to reapportion the County Legislature of the County of Lewis in conformity with the "one person, one vote" concept of federal court decisions so that Lewis County will be in compliance with the United States Constitution and the New York State Constitution.

Section 101. County a municipal corporation; powers.

The County of Lewis shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by the Constitution of the United States, the Constitution of the State of New York, this local law, administrative code or by applicable law.

Section 102. Effect on local laws and resolutions.

Except to the extent inconsistent with this local law, all existing laws and resolutions heretofore adopted by the Board of Legislators of the County of Lewis shall continue in force until amended, superseded, or repealed as provided herein.

ARTICLE .II
Legislative Branch

Section

- 200 County legislature; status and title.
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- 202 Organization; officers; committees.
- 203 Compensation of legislators, chairman, clerk and employees of board.
- 204 Vacancies.
- 205 Districts.
- 206 Changes in districts.
- 207 Powers and duties of legislature.

Section 200. County legislature; status and title.

The legislative branch of the government of Lewis County shall consist of an elective governing body which shall be known as the County Legislature. Its members shall be known as County Legislators and shall be elected one from each of the districts into which Lewis County shall be divided as more particularly hereinafter set forth.

The County Legislature, as in the past, under this local law, when lawfully convened shall take the place of the prior Lewis County Board of Supervisors and that the County Legislature shall be the appropriate policy maker and governing body of the county.

The County Legislature shall have and exercise all of the functions, powers, and duties that were possessed by and shall be subject to the same rules and procedures as applied to the prior Lewis County Board of Supervisors. It is not the intention of this local law to abolish, supersede, curtail or in any way affect any powers or rights heretofore conferred upon or delegated to the prior Lewis County Board of Supervisors unless a contrary intention is clearly manifested from the express provisions of this local law.

Whenever the term "county board", "board of supervisors", "county governing board", "elective governing body of the county" is referred to in any law it shall be deemed to mean and refer to the County Legislature.

Section 201. County Legislators; qualifications; term.

All county legislators shall be electors of Lewis County and shall have been residents continuously in the county for at least one year preceding their election, and all county legislators shall reside in the district from which they seek election at the time of their designation for office and shall continue to be residents of Lewis County and of the district within the county which they represent for the entire term of their office. Members of the county legislature shall be nominated at the primary election held in the same manner as other county officers are nominated pursuant to the provisions of the election law.

The county legislature shall be in charge of the qualifications of its members and for that purpose shall have the power to subpoena witnesses, take testimony, and require production of records. Decisions made by the county legislature in the exercise of powers granted by this section shall be subject to review by the courts.

Except as provided in this section or as otherwise provided by law, the term of office of the members of the county legislature shall be two years, and shall begin on the first day of January next following their election. Said elections for the county legislators shall be conducted at general elections in each odd-numbered year.

Section 202. Organization; officers, committees.

The county legislature, members of which are elected in nineteen hundred ninety-five and every second year thereafter, shall meet as provided by law and the rules of the Board of Legislators.

At the organization of said county legislature in the month of January, in the year nineteen hundred ninety-six, and every year thereafter, a permanent chairman shall be elected who shall serve until the next organization meeting. In case of his death, removal, resignation, or retirement from the said county legislature, a successor shall be elected for the unexpired term. In case of failure to elect a permanent chairman on any day herein provided, said county legislature shall adjourn from time to time, Sunday and holidays excepted, until said chairman shall be elected. In the event the chairman is not elected within thirty days after the first of the year, the applicable County Law shall apply.

The chairman shall have and shall cast the vote to which he is entitled as a member of the county legislature.

At the organization of the county legislature in the month of January in nineteen hundred ninety-six and each year thereafter, the county legislature shall elect a clerk, and such other employees as it may deem necessary. Said Clerk and other employees of the county legislature as are appointed by it shall hold office until their successors are appointed. The Clerk shall give a bond in such amount and with such sureties as the county legislature shall approve.

The said county legislature shall have the power to enact local laws or rules fixing dates and times of its sessions; governing the conduct of the members of such sessions and the manner of transacting business thereat; fixing and prescribing penalties for its members to attend the stated or adjourned meetings of said legislature or of any committee thereof and the manner of enforcing or collecting the same, and fixing the time when and the form in which reports shall be made to said county legislature by an officer of said county. The county legislature may in its discretion publish its proceedings in a synopsis thereof in a daily paper having a general circulation throughout the County of Lewis.

Such standing committees as are now prescribed by the rules of the Lewis County Board of Legislators or any local law adopted by said Board of Legislators or which may hereafter be prescribed or adopted by the county legislature shall be appointed by the permanent chairman of the county legislature within thirty days after his election, such appointment to be in writing and filed with the clerk of the county legislature; who shall give immediate notice thereof to the members of said county legislature by mail. Such committees shall continue in office until their successors have been appointed, but nothing herein contained shall be construed to allow any member of said county legislature whose term shall have expired, or who shall have resigned or have been removed from office, to continue to serve upon any committee after he shall have ceased to be a member of said county legislature.

Section 203. Compensation of legislators, chairman, clerk, employees of legislature.

The County legislature shall have the power to fix the compensation of its members and the chairman of said county legislature, which shall be a stated annual salary. The salary of each county legislator fixed and paid during the fiscal year shall not exceed the salary as specified in the notice of public hearing on the tentative budget prepared for such fiscal year.

Expenses actually incurred by any county legislator under the authority or direction of the county legislature may be allowed and paid in like manner as other county charges; but no claim for expenses shall be audited or allowed which are not fully itemized and verified or certified by affidavit of the claimant in the manner as prescribed by law.

The clerk and other employees of the county legislature, shall each receive a stated annual salary to be fixed by said county legislature in the same manner as other county salaries are paid, and shall cease and terminate immediately upon the death, resignation, or removal of such officer.

Section 204. Vacancies.

A vacancy in the county legislature shall be filled as provided by Local Law No. 5-1980, County of Lewis entitled "A LOCAL LAW PROVIDING FOR THE FILLING OF VACANCIES IN ELECTIVE COUNTY OFFICES."

Any vacancy in any committee of the county legislature shall be filled by appointment by the permanent chairman of said county legislature.

Section 205. Districts.

For the purpose of electing county legislators, Lewis County shall be divided into ten districts. One County legislator shall be elected to the county legislature of Lewis County for each of said districts.

The ten districts within the County of Lewis are as follows:

LEGISLATIVE DISTRICTS - COUNTY OF LEWIS

COUNTY POPULATION 1990 CENSUS - 26,796

Dist. #1

Dia. #1 -	180
Dia. #2 -	1,563
Cro. #4 -	825
	<hr/>
	2,568

Dist. #6

Low. #3 -	1,252
Low. #4 -	1,265
	<hr/>
	2,517

Dist. #2

Cro. #1 -	745
Cro. #2 -	781
Cro. #3 -	720
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	2,246

Dist. #7

NB #1 -	1,348
NB #2 -	1,178
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	2,526

Dist. #3

Den. #1 -	796
Den. #2 -	1,330
Den. #3 -	592
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	2,718

Dist. #8

Wat. #1 -	1,613
Gre. #1 -	1,323
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	2,936

Dist. #4

Mar. #1 -	1,358
Mon. #1 -	47
Har. #1 -	425
Pin. #1 -	323
Tur. #1 -	873
	<hr/>
	3,026

Dist. #9

Lyo. #1 -	1,281
WT. #1 -	940
WT. #2 -	813
	<hr/>
	3,034

Dist. #5

Low. #1 -	932
Low. #2 -	1,400
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	2,332

Dist. #10

Lew. #1 -	858
Ley. #1 -	846
Ley. #2 -	950
Osc. #1 -	239
	<hr/>
	2,893

Section 206. Change in districts.

The County legislature shall appoint a commission to evaluate the existing county legislative districts for equity and representation in relation to population within six months after the publication of the results of the regular federal census taken in Lewis County in 2000 and within six months after the publication of each successive regular federal ten year census taken thereafter; or within six months after the publication of the results of any federal or special population census, taken pursuant to §20 of the General Municipal Law and held not more than once every five years; or, after any annexation which has the effect of increasing or decreasing the population of any county legislative district by more than ten per cent.

Such commission shall consist of the members of the county board of elections, the chairman of the county legislature, one person selected by the legislative members of the majority political party represented on the county legislature, and one person selected by the legislative members of the minority party or parties represented on the county legislature. The commission shall study the population data and within three months after appointment make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of county legislative districts. In their deliberation to redesign the legislative districts the commission shall consider the application of the "one-man, one-vote" concept of recent federal court decisions and also compliance with the equal protection clauses of the United States Constitution and the New York State Constitution.

Within three months after the submission of the report of the commission which will be submitted to the county legislature in the form of a proposed local law, the county legislature shall conduct a public hearing on the proposed changes, if any, and shall, if necessary, then enact a local law setting forth revised district boundaries subject to a permissive referendum at the next general election. If such local law is defeated in a referendum the legislative district revision commission shall be reactivated to study and prepare a new proposed law for submission to the county legislature at least ninety days prior to the next general election, subject to the same procedures and requirements as provided above.

Section 207. Powers and duties of legislature.

The county legislature shall have and exercise the powers and duties expressed by the United States Constitution, the Constitution of the State of New York and applicable laws, rules and regulations.

ARTICLE III

Application of Local Law
When and How Operative and Effective

Section

- 300 Existing law continued.
- 301 Continuation of authority.
- 302 Local Law clarification.
- 303 Separability.
- 304 Local Law to be liberally construed; effective dates.

Section 300. Existing laws continued.

Except as otherwise provided in this local law, all existing state, county, local and other laws or enactments including special acts having the force of law, shall continue in force until lawfully amended, modified, superseded, or repealed.

Section 301. Continuation of Authority.

The performance of functions pursuant to the provisions of this local law shall be deemed and held to constitute a continuation of all rights, powers, duties, and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this local law may be conducted and completed by the county officer or administration unit responsible therefor under the local law or the administrative code.

Section 302. Local law clarification.

If any provision of this local law is not clear or requires elaboration in its application to the county, the county legislature may interpret such provisions in a local law not inconsistent with the provisions of the Municipal Home Rule Law and other applicable laws and rules.

Section 303. Separability.

If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy.

Section 304. Local law to be liberally construed; effective dates.

This local law shall be liberally construed to achieve its objectives and purposes.

This local law is subject to a permissive referendum and shall take effect, except as herein set forth, on January 1st, 1996.

(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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19 93 of the (County)(City)(Town)(Village) of Lewis was duly passed by the Board of Legislators on July 6th 1993, and was (approved)(not disapproved)(repassed after disapproval) by the ~~_____~~ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of August 20th 1993, in accordance with the applicable provisions of law. That the County of Lewis does not have an Elective Chief Executive Officer within the meaning of §2, subd 4 of the Municipal Home Rule Law and Statute of Local Government.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

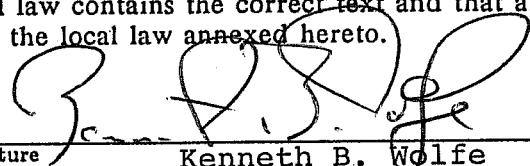

Clerk of the County legislative body, ~~City, Town or Village Clerk~~
~~xxxxxxx designated by local law of the County~~
Mary E. Terrillion
Date: August 20th, 1993

(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 Lewis

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 Kenneth B. Wolfe
County Attorney
Title

County
~~City~~ of Lewis
~~Town~~
~~Village~~

Date: August 20th, 1993