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Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

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

Local Law No. **1** of the year 19 **68**

A local law **IS RELATION TO THE IMPLEMENTATION OF REAPPORTIONMENT WITHIN**
(Insert title)
THE COUNTY OF LEWIS.

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

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

NO. 1 OF THE YEAR 1968
LOCAL LAW ~~XXXXXXXXXXXXXXXXXXXXXX~~

COUNTY OF LEWIS

Introduced by Paul Merz, Chairman of the Reapportionment
Committee.

A LOCAL LAW IN RELATION TO THE IMPLEMENTATION OF REAPPORTIONMENT WITHIN
THE COUNTY OF LEWIS.

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

SECTION 1.

TABLE OF CONTENTS

ARTICLE I	PURPOSE
ARTICLE II	LEGISLATIVE BRANCH
ARTICLE III	APPLICATION OF LOCAL LAW

ARTICLE I

PURPOSE

Section

100 Purpose.

101 County a municipal corporation; powers.

102 Effect on local laws and resolutions.

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 carry out the mandate of the Supreme Court of the Fifth Judicial District of the State of New York which ordered the County of Lewis to provide a method of apportionment of its elective governing body in conformity with the "one person, one vote" concept of recent federal court decisions and in compliance with the equal protection clauses of the fourteenth amendment of the United States Constitution and Article I, Section 1 and 11 of the New York State Constitution. In order to accomplish this, the County of Lewis has been divided into districts and Sections 205 and 206 of this local law are concerned chiefly with this subject.

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 Supervisors 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.

201 Qualifications and term.

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

abolish, supersede, curtail or in any way effect 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, except that the first election of members of such county legislature established pursuant to and upon the enactment and adoption of this local law shall be conducted in the general election of nineteen hundred and sixty-nine and all county legislators elected in such general elections of nineteen hundred sixty-nine shall serve for a two-year term.

Section 202. Organization; officers, committees.

The county legislature, members of which are elected in nineteen hundred sixty-nine and every second year thereafter, shall meet on the first Tuesday of January at 11 o'clock A.M., except when the first Tuesday shall be on January 1st, in which event it shall be the following day, and every year thereafter for the purpose of organization and for the transaction of such other business as may come before it; thereafter said county legislature shall hold meetings on the days designated in the rules of the prior Lewis County Board of Supervisors, which shall apply as hereinabove provided, ^{until changed} and at such other times as the county legislature may fix by resolution duly adopted by vote of a majority thereof or authorized by its rules.

At the organization of said county legislature in the month of January, in the year nineteen hundred seventy, 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 ^{and holidays excepted} shall continue to hold sessions until

The said county legislature shall have the power to enact local laws or rules fixing dates and time of its sessions; governing the conduct of the members at such sessions and the manner of transacting business thereat; fixing and prescribing penalties for its members to attend the stated or adjourned meeting of said legislature or of any committee thereof and the manner of enforcing or collecting the same, and fixing the time when 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 Supervisors or any local law adopted by said Board of Supervisors 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. However, the present county board of supervisors may fix the initial compensation of the county legislators prior to the election of such legislators, which said initial compensation is determined herewith at the sum of \$2,500.00 per annum, with \$500.00 additional per annum to be paid to the chairman. 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 claims 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 by appointment by the chairman of the county legislature within thirty days of such vacancy, and the appointee shall serve until the next general election, held not less than three months after such vacancy occurs, at which election such vacancy shall be filled for the unexpired term. Any person appointed to fill the vacancy shall be a member of the same

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

LEGISLATIVE DISTRICTS - COUNTY OF LEWIS

County Population 1960 Census - 23,249

Legislative District # 1

Town of Diana Elect. Dist. 1, 2, 3 (Entire Town) 1960 Pop	1,641
Town of Croghan Elect. Dist. 4 (Indian River Area) Est. Pop.	270
Town of Croghan Elect. Dist. 5 (Belfort Area) Est. Pop.	278
Town of Croghan Elect. Dist. 6 (Beartown Area) Est. Pop.	101
	<u>2,290</u>

Legislative District # 2

Town of Croghan Elect. Dist. 2 (Croghan Village Area) Est. Pop.	734
Town of New Bremen Elect. Dist. 1 (New Bremen Hamlet Area)	
est. pop.	681
Town of New Bremen Elect. Dist. 2 (Croghan Village Area) Est. Pop.	807
	<u>2,222</u>

Legislative District # 3

Town of Croghan Elect. Dist. 1 (Naumburg Area) est. pop.	598
Town of Croghan Elect. Dist. 3 (Beaver Falls Area) Est. Pop.	716
Town of Denmark Elect. Dist. 3 (Castorland Village Area) est pop	542
Town of New Bremen Elect. Dist. 3 (Beaver Falls Area) est. pop.	475
	<u>2,331</u>

Legislative District # 4

Town of Denmark Elect. Dist. 1 (Deer River Area) est. pop.	642
Town of Denmark Elect. Dist. 2 (Copenhagen Village Area) est pop	1030
Town of Harrisburg Elect. Dist. 1 (Entire Town) 1960 pop.	423
Town of Pinckney Elect. Dist. 1 (Entire Town) 1960 pop.	357
	<u>2,452</u>

Legislative District # 5

Town of Lowville Elect. Dist. 3 (Lowville V. & Out Area)	
est. pop.	1,202
Town of Lowville Elect. Dist. 4 (Lowville V & Out Area)	
est. pop.	1,171
	<u>2,373</u>

Legislative District # 6

Town of Lowville Elect. Dist. 1 (Lowville V. & Out Area)	
est. pop.	1,095
Town of Lowville Elect. Dist. 2 (Lowville V. & Out Area)	
est. pop.	1,167
	<u>2,262</u>

Legislative District # 7

Town of Martinsburg Elect. Dist. 1, 2, 3 (Entire Town)	
1960 pop.	1,469
Town of Turin Elect. Dist. 1 (Entire Town) 1960 Pop.	878
Town of Montague Elect. Dist. 1 (Entire Town) 1960 Pop.	73
	<u>2,420</u>

Legislative District # 8

Town of Watson Elect. Dist. 1 (Entire Town) 1960 pop.	781
Town of Greig Elect. Dist. 1 (Entire Town) 1960 pop.	693
Town of Lyonsdale Elect. Dist. 1 (Entire Town) 1960 Pop.	942
	<u>2,416</u>

Legislative District # 9

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 1970, 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 section 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 percent.

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 14th amendment of the United States Constitution and article I, section 1 and 11 of 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.

Except as otherwise provided in this local law, the county legislature shall have and exercise all the powers and duties now conferred on the Lewis County Board of Supervisors and now or hereafter generally conferred on said County Board of Supervisors and on boards of supervisors or other governing bodies of counties in the State of New York by applicable law, and all powers necessarily incidental thereto, and shall for the purposes of general laws conferring powers upon boards of supervisors be deemed a board of supervisors. In addition 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

and shall become effective immediately upon the adoption and effective date of the local law referendum.

Section 301. Local law legislature; transitional powers.

The members of the county legislature elected in 1969 may convene prior to January 1st, 1970 to make necessary preparations for the operation of the Lewis County government under this local law, except that such legislators shall not have any governing powers prior to January 1st, 1970.

To permit the implementation of the provisions of this local law the county legislature may, after January 1st, 1970, make any and all proper and legal adjustments in the budget for the fiscal year 1970. That no adjustment shall change the real property tax return for the fiscal year 1970 as fixed by the County Board of Supervisors in 1969.

Section 302. 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 303. 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 administrative unit responsible therefor under the local law or the administrative code.

Section 304. 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 305. Separability.

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

Section 306. Local law to be liberally construed; effective dates.

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

This local law shall be submitted to the electors of Lewis County at the next general election occurring November 5th, 1968. If this local law receives the majorities required for its adoption, such local law shall become the Lewis County Local Law and shall become

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by
Village (Name of Legislative Body)
on 19..... in accordance with the applicable provisions of law.

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

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

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. **1** of 19 **68**
County
City
of the Town of **Levin** was duly passed by the **Board of Supervisors**
Village (Name of Legislative Body)
on **August 6th,** 19 **68** not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the Special election held on **November 5th,** 19 **68**, in accordance with the appli-
cable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the on
Village (Name of Legislative Body)
on 19..... not disapproved
and was approved by the on
repassed after disapproval Elective Chief Executive Officer

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

5. 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 § 36 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 election held on the 19 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 above.

Harathy E. Kotel
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
Designated by Local Legislative Body

Date: **November 8th**, 1968



(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.

B. B. Wolf
(Title of Officer) **County Attorney**

County
City
Town of **Lewis**
Village