A. A LOCAL LAW AMENDING ARTICLE VI OF THE ONONDAGA COUNTY CHARTER AND FURTHER AMENDING ARTICLE VI OF THE ONONDAGA COUNTY ADMINISTRATIVE CODE WITH RESPECT TO THE 2021 COUNTY BUDGET CYCLE (Sponsored by Mr. Knapp)

B. A LOCAL LAW AMENDING SECTION 207 OF THE ONONDAGA COUNTY CHARTER TO REVISE THE ONONDAGA COUNTY REAPPORTIONMENT COMMISSION TO ENSURE A NON-PARTISAN, FAIR AND OBJECTIVE PROCESS BY WHICH THE ONONDAGA COUNTY LEGISLATURE DISTRICTS ARE REAPPORTIONED (Sponsored by Mr. Ryan)
LOCAL LAW NO. ___ - 2020

A LOCAL LAW AMENDING ARTICLE VI OF THE ONONDAGA COUNTY CHARTER AND FURTHER AMENDING ARTICLE VI OF THE ONONDAGA COUNTY ADMINISTRATIVE CODE WITH RESPECT TO THE 2021 COUNTY BUDGET CYCLE

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

Section 1. The annual county budget process, including presentation, review, consideration, adoption and implementation, is governed by the procedures found within the Onondaga County Charter (Local Law No. 1 - 1961, as previously amended, hereinafter referred to as “Charter”) and the Onondaga County Administrative Code (being Local Law No. 1 - 1975, as previously amended, hereinafter referred to as “Administrative Code”). Solely with respect to the 2021 annual county budget, it is desired to change certain prescribed dates within such annual budget cycle as provided herein.

a. The Charter is hereby amended regarding the 2021 annual county budget, as follows:

i. With respect to the submission of the tentative budget to the Legislature, Section 603 is amended in the first sentence of the first paragraph to strike the words “fifteenth day of September” and to substitute “fourth day of November” therefor.

ii. With respect to the report filed by the Ways and Means Committee, Section 603 is further amended in the first sentence of the final paragraph to strike the words “the first day of October” and to substitute “the twentieth day of November” therefor.

iii. With respect to the publication of the public hearing notice, Section 604 is amended in the first sentence to strike the words “the first day of October” and to substitute “the twenty-sixth day of November” therefor.

iv. With respect to the date by which the public hearing must be held, Section 604 is further amended in the first sentence to strike the words “not later than the tenth day of October” and to substitute “not later than the first day of December.

v. With respect to the adoption of the budget by the Legislature with additions or increases, Section 605(b) is amended to strike the words “the fifteenth day of October” and to substitute “the third day of December.

vi. With respect to the County Executive’s objections to such additions or increases, Section 605(c) is amended to strike the words “the twentieth day of October” and to substitute “five days after the adoption of the budget with additions or increases, but in any event not later than the eighth day of December” therefor, and Section 605(d) is amended to strike the words “on or before the twentieth day of October” and to substitute “on the date provided in Section 605(c) for the return of such budget by the County Executive” therefor.

vii. With respect to the Legislature’s special meeting to reconsider such objections, Section 605(e) is amended to strike the words “the twenty-fifth day of October” and to substitute “five days after the return of the budget with additions or increases, but in any event not later than the thirteenth day of December” therefor.

viii. With respect to the final date in the budget adoption process, Section 605(e) is amended to strike the words “the first Monday of November” and to substitute “the eighteenth day of December” therefor.

b. The Administrative Code is hereby amended regarding the 2021 annual county budget, as follows:
i. With respect to the submission of Capital Project Requests, Section 6.02(a) is amended to strike the words “or before the first day of June of each year, or on such earlier date” and to substitute “on or before the first of July” therefor.

ii. With respect to the submission of the estimates and appropriation requests to the Chief Fiscal Officer, Section 6.03B is amended to strike the words “or before this first day of August of each year, or on such earlier date” and to substitute “on or before the first day of September” therefor.

iii. With respect to the submission of the Executive’s budget to the Legislature, Section 6.05(b) is amended to strike the words “the fifteenth day of September” and to substitute “the fourth day of November” therefor.

iv. With respect to the report filed by the Ways and Means Committee, Section 6.07 is amended to strike the word “the first day of October” and to substitute “the twentieth day of November” therefor.

v. With respect to the public hearing, Section 6.08 is stricken in its entirety and the following language is to be substituted therefor “The public hearing shall be noticed and held in the manner prescribed by Section 604 of the Charter.”

Section 2. Additional Amendments; Construction.

Any previously enacted resolutions or local laws relating to the annual budget cycle and financial procedures in Onondaga County are hereby amended to be consistent with this local law. Except as specifically amended herein, the Onondaga County Charter and Administrative Code remain in full force and effect.

This local law is to be construed in such a way so as not to diminish or curtail any powers held by any elected official within County government.

Section 3. Severability.

In the event that any provision contained herein should be found by a judge to be improper, illegal, and/or void, it is the intent of this Legislature to sever such provisions from this local law and to revive and restore the relevant provisions of the Charter and Administrative Code to the status quo ante.

Section 4. Applicability to 2021 Annual County Budget.

The amendments herein to the prescribed dates in the Charter and Administrative Code shall be effective regarding only the 2021 annual county budget. Upon adoption of the 2021 budget, the amendments herein shall expire automatically, and the Charter and Administrative Code shall be restored to the prescribed dates in effect immediately prior to the adoption of this local law, without need for further legislative action, and shall read as though the prescribed dates were not amended.
Section 5. Effective Date.

This local law shall take effect upon filing in accordance with the Municipal Home Rule Law.

LL - Budget Cycle
LHT
dl'm
LOCAL LAW NO. _____ - 2020

A LOCAL LAW AMENDING SECTION 207 OF THE ONONDAGA COUNTY CHARTER AND
SECTION 2.17 OF THE ONONDAGA COUNTY ADMINISTRATIVE CODE TO REVISE THE
ONONDAGA COUNTY REAPPORTIONMENT COMMISSION TO ENSURE A NON-PARTISAN,
FAIR AND OBJECTIVE PROCESS BY WHICH THE ONONDAGA COUNTY LEGISLATURE
DISTRICTS ARE REAPPORTIONED

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA,
AS FOLLOWS:

Section 1. The purpose of this law is to provide an objective and fair reapportionment process
by establishing a non-partisan Reapportionment Commission.

Section 2. Section 207 of the Onondaga County Charter hereby is amended to replace and
add the following language:

Section 1. Definitions. For purposes of this chapter, the following terms shall
have the meanings set forth in this section:

Commission means the independent citizens Redistricting Commission.

Commission staff shall be staff hired by the Commission and shall not include any
staff of the Onondaga County Legislature.

Controlling person means an officer, director, manager, principal or shareholder
or member owning at least 10% ownership of a legal entity.

Day means a calendar day, except that if the final day of a period within which an
act is to be performed is a Saturday, Sunday, or holiday in which the County of
Onondaga's offices are closed, the period is extended to the next day that is not a
Saturday, Sunday, or holiday in which the County of Onondaga’s offices are closed
in accordance with applicable New York State Law.

Spouse means one's licensed marriage spouse, common law spouse, or recognized
domestic partner.

Substantial Neglect of Duty means that an individual has disregarded a manifest
duty, prescribed by this section, intentionally, knowingly, or negligently. Missing
half or more of the meetings in a three month period constitutes a substantial
neglect of duty.

Panel means the Applicant Review Panel of consisting of representatives of the
County Comptroller, County Clerk, and County Executive.

Section 2. Procedure for Establishment of an Independent Citizens Redistricting
Commission

Not later than September 1 of a year ending in 2, the Onondaga County Legislature shall
authorize by resolution and/or local law an independent citizens redistricting commission
made up of qualified electors who reside within the County to reconsider the boundaries of
County Legislature Districts. In 2022 and each year following the year in which the
national census is taken under the direction of Congress at the beginning of each decade, the Commission shall adjust the boundary lines of the seventeen (17) single-member districts in conformance with the standards and process set forth in this article. The Commission shall be fully established no later than September 1 in each year ending in the number (2). The Commission shall not draw district lines at any other time, except if the districts must be redrawn because of a judicial decision invalidating the then existing district plan, in whole or in part, a change in number of single-member districts made to the County Charter, or the date of the county legislature elections are moved. If the date of the County Legislature Elections are moved, then the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date.

Section 3. Membership

(1) Number of Members

The Commission shall consist of seventeen (17) members.

(2) Requirements for Membership

Each Commission Member shall be a voter who (1) has been continuously registered in the County of Onondaga for five or more years immediately preceding the date of his or her appointment and (2) shall have voted in at least three of the last five general elections immediately preceding his or her application for membership.

(3) Term

The term of office of each member of the Commission expires upon the appointment of the first member of the succeeding Commission in the year following the year in which the national census is taken.

(4) Compensation

Members of the Commission shall not be compensated for their service. However, members of the panel and the Commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with their duties as a member of the Commission as outlined in this Chapter. Funding for the Commission is subject to the County’s Annual Budget Process and the Onondaga County Legislature shall be responsible for including sufficient funds in the Budget to meet the operational cost of the Commission and the cost of any outreach program to solicit broad participation in the redistricting process. The Onondaga County Legislature shall approve the appropriation of the funds at the request of the Commission.

(5) Quorum

Nine (9) members of the Commission shall constitute a quorum. Eleven (11) or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any Onondaga County Legislature District.
(6) Commission Vacancy, Removal, Resignation or Absence

(a) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 7 of the Commissioners.

(b) Any vacancy, whether created by removal, resignation, or absence, in the 17 commission positions shall be filled by the Commission within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of this section. Eleven members must agree to any appointment.

(7) Prohibitions as a result of Membership

A commission member shall be ineligible, for a period of five (5) years beginning from the date of appointment, to hold elective public office for the County of Onondaga. A member of the commission shall be ineligible, for a period of three (3) years beginning from the date of appointment, to hold appointive public office for the County of Onondaga, to serve as paid staff for or as a paid consultant to the County of Onondaga, the Onondaga County Legislature or any member of the Onondaga County Legislature, or to receive a non-competitively bid contract with the County of Onondaga. This three year ban on having a paid consultancy or entering noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.

(8) Activity of the Commission

The Commission shall be inactive except when necessary to comply with its duties under this Chapter.

(9) Legal Standing

The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the Onondaga County Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate. The Onondaga County Legislature shall provide adequate funding to defend any action regarding a certified map. The County Law Department shall be the assigned legal counsel for the commission and shall represent the commission in defense of a certified final map, unless the County Attorney determines there is a conflict of interest, or, the commission by 2/3 vote decides to retain outside counsel. In such determination appropriate counsel will be provided according to existing county practice.

(10) Commission Roles

The Commission shall select one of its members to serve as the Chair of the Commission and one to serve as the Vice Chair of the Commission.
The Chair and Vice Chair shall both remain voting members of the Commission.

(11) Staff and Legal Counsel

The Commission shall hire staff, legal counsel, and consultants as needed to support the Commission; provided, however, that compensation of such persons shall be limited to the period in which the Commission is active. The Commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The Commission shall apply the conflicts of interest listed in Section 3(7) to the hiring of staff, legal counsel, and consultants. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

(12) Members Regular Employment shall not be terminated due to their membership on the Commission

Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee’s membership on the Commission or attendance or scheduled attendance at any meeting of the Commission.

Section 4. Commission Selection Process

The Commission Selection Process is designed to produce a Commission that is independent from influence by the Onondaga County Legislature and is reasonably representative of the diversity of the County’s population. The process shall be conducted as follows:

(1) No later than February 1 in each year ending in the number one, the County of Onondaga Comptroller shall initiate and widely publicize an application process, open to all registered County of Onondaga voters who meet the requirements of Section 3 above, in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified Commissioner applicant pool. The Onondaga County Comptroller shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until September 30 in each year ending in the number one.

(2) The County of Onondaga Comptroller shall remove from the membership pool any person with conflicts of interest including:

(a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following: (i) been appointed to, elected to, or have been a candidate for state, county or city office; (ii) served as an
officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office; (iii) been a registered state or local lobbyist; (iv) contributed or bundled $1,000 or more in aggregate to candidates for County of Onondaga elective office in the last County election.

(b) A person who has been, within the three years immediately preceding the date of application: a paid employee of the County of Onondaga; person performing paid services under a professional or political contract to the County of Onondaga, to the Onondaga County Legislature, or to any member of the Onondaga County Legislature; any controlling person of any such consultant; or a spouse of any of the foregoing.

(3) No later than August 1 in each year ending in the number one, the County of Onondaga Comptroller shall have reviewed and removed individuals with conflicts of interest as defined in Section 3, or fail to meet the qualification prescribed in Section 3, from among the commission applicants, and then shall publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(4) No later than October 15th in each year ending in the number one, the Applicant Review Panel shall select a pool of 100 applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the Onondaga County, and appreciation for the County of Onondaga's diverse demographics and geography. The Applicant Review Panel shall not communicate directly or indirectly with any elected member of the Onondaga County Legislature or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the Onondaga County Legislature.

(5) No later than October 16 in each year ending in the number one thereafter, the Applicant Review Panel shall submit its pool of 100 recommended applicants to the Onondaga County Legislature. Each member of the Onondaga County Legislature within five days in writing may strike up to one applicant from the pool of applicants. No reason need be given for a strike. Any applicant struck by any member of the Onondaga County Legislature or the Chairman must be removed from the pool of applicants.

No later than October 22 in each year ending in one, the Applicant Review Panel shall submit the pool of remaining applicants to the County of Onondaga Comptroller.

(6) No later than November 1 in each year ending in the number one, the Applicant Review Panel shall randomly draw at a public meeting ten (10) names from the remaining pool of applicants. These ten (10) individuals shall serve on the Citizens Redistricting Commission.

(7) No later than December 1 in each year ending in the number one, the ten (10) commissioners shall review the remaining names in the pool of applicants and, from the remaining applicants in that pool, shall appoint
seven (7) applicants to the commission. These seven (7) appointees must be approved by at least seven (7) affirmative votes among the ten (10) commissioners. These seven (7) appointees shall be chosen to ensure that the commission reflects the diversity of the County of Onondaga, including, but not limited to, racial, ethnic, and gender diversity. Additionally, the ten (10) commissioners shall make every effort to the extent possible that the seven (7) appointees are representative of good governance groups, academic scholars, and other civic groups which have demonstrated a commitment to voters' rights and identifying the best practices for reapportionment.

Section 5. Role of the Commission

The Commission shall establish the boundaries of the Onondaga County Legislature districts for the County of Onondaga in a plan using the following criteria as set forth in the following order of priority:

1. Districts shall comply with the United States Constitution. Each County Legislator shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

2. Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.

3. Districts shall be geographically contiguous.

4. The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

5. To the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

6. To the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.

7. To the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.

8. The place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or any district.

Section 6. Responsibilities of the Independent Citizens Redistricting Commission

1. The Commission shall:
(a) conduct an open and transparent process enabling full public consideration of and public comment on the drawing of District Lines;
(b) draw District Lines according to the redistricting criteria specified in this Chapter; and
(c) conduct themselves with integrity and fairness.

(2) The activities of the Commission are subject to all of the following:
   
   (a) The commission shall comply with all state and county requirements for open meetings;
   
   (b) The records of the Commission and all data considered by the Commission are public records that will be made available in a manner that ensures immediate and widespread public access.
   
   (c) Commission members and Commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between Commission members, Commission staff, legal counsel, and consultants retained by the commission that is otherwise permitted by state and county open meeting requirements.

(3) Public Hearing Process and Preliminary Plan

   The Commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. There shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in the City of Syracuse and at least but not limited to four additional hearings throughout the county. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

   Following the commission's vote approving the preliminary plan, there shall be at least five public hearings, geographically dispersed within the City of Syracuse and at least, but not limited to, four additional hearings throughout the county shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan.

(4) Final Plan

   The commission then shall vote on a proposed final plan and then it shall
hold three subsequent public hearings, one inside the City of Syracuse, one north of Interstate 90 and one south of Interstate 90 and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than November 1 in each year ending in the number two (2).

By November 1 in each year ending in the number two (2), the commission shall adopt a final plan for the County of Onondaga specifically describing the district boundaries for each of the Onondaga County legislature districts prescribed above. Upon adoption, the commission shall certify the plan to the Onondaga County Legislature. The Onondaga County Legislature may not change the plan. The plan shall have the force and effect of law. It shall be adopted by an ordinance of the County legislature no later than December 31 of each year ending in number two and not be subject to approval or disapproval of the County Executive.

(a) Report. The Commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed above and shall include definitions of the terms and standards used in drawing the final plan.

(b) Failure to Adopt a Plan. If the Commission does not adopt a final plan by the dates in this section, the Law Department for the County of Onondaga shall immediately petition state court for an order prescribing the boundary lines of the single-member districts in accordance with the redistricting criteria and requirements set forth in this Section. The plan prescribed by the court shall be used for all subsequent Onondaga County Legislature elections until a final plan is adopted by the Commission to replace it.

**Section 7. Effective Date**

The provisions of this Chapter shall be effective immediately.

**Section 3.** Section 2.17 is amended to state that the Reapportionment Committee shall be appointed consistent with Section 207 of the Onondaga County Charter, and Reapportionment shall be conducted consistent with Section 207 of the Onondaga County Charter.

**Section 4.** This Local Law shall apply to all actions related to the enactment of reapportionment plans for the Onondaga County Legislature occurring on and after December 1, 2020.

**Section 5.** If any clause, sentence, paragraph, subdivision, section or part of this 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 or 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 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.
Section 6. Except as specifically amended herein, Section 207 of the Onondaga County Charter, being Local Law No. 1 of 1961, as amended, shall remain in full force and effect.

Section 7. This Local Law shall take effect immediately upon approval of the electors of Onondaga County.

Section 8. This Local Law shall be submitted to the Electors of Onondaga County at the next general election occurring on November 3, 2020.

LL-Reapportionment

yy

dak

FILED WITH CLERK
MONON. CO/LEG.
MAY 18, 2020

RECEIVED
20 MAY 22 PM 2:39