

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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  
~~xCity~~ of SCHOHARIE  
~~xTown~~  
~~xVillage~~

Local Law No. 2 of the year 2002

A local law (Insert Title) AMENDING LOCAL LAW NO. 1 OF THE YEAR 1995 PROVIDING FOR  
THE REAPPORTIONMENT OF THE ADJUSTED WEIGHTED VOTING BY  
MEMBERS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
SCHOHARIE PURSUANT TO THE 2000 FEDERAL CENSUS

Be it enacted by the BOARD OF SUPERVISORS of the  
(Name of Legislative Body)

County  
~~xCity~~ of Schoharie as follows:  
~~xTown~~  
~~xVillage~~

SEE TEXT OF LOCAL LAW ATTACHED HERETO.

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

Be it enacted by the Board of Supervisors of the County of Schoharie as follows:

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### SECTION I – Legislative Intent

Notwithstanding the provisions of any general, special or local law to the contrary. It is the intent of the Board of Supervisors of Schoharie County by this local law to reapportion the voting strength of the Schoharie County Board of Supervisors to conform to the 2000 Federal Census and thus comply with the Constitutional requirements established by the Supreme Court of the United States and the Court of Appeals of the State of New York as to the one man-one vote principle, and is done pursuant to the general powers of the Local Governments to adopt and amend local laws as particularly provided for in Article 2, Section 10, Subdivision [1] [ii] [a] [13] of the New York State Municipal Home Rule Law, as amended.

### SECTION II – Voting Strength

The reapportionment of the voting strength of the Schoharie County Board of Supervisors and each of its members shall be determined by using the 2000 Federal Census for Schoharie County and then each Town's vote shall be ten [10%] percent of its population rounded to the nearest one [1%] percent. This plan shall be used until the next Federal Decennial Census, at which time the voting strength shall be changed if necessary to conform to said census.

### SECTION III – Apportionment Base – Number of Votes

The Board of Supervisors of Schoharie County shall continue to consist of sixteen [16] members, one each representing each of the sixteen [16] towns of Schoharie County and the Supervisor of each town in the County of Schoharie shall, in accordance with the following reapportioned adjusted weighted voting plan reflecting the 2000 Federal Census be entitled to cast votes at the meetings of the Schoharie County Board of Supervisors as follows:

#### [a] Majority Vote

In voting upon resolutions, motions, proceedings and all other matters of decisions determinable by a simple majority vote only, the respective votes, as herein reapportioned, adjusted, weighted and assigned to each of the Town Supervisors of each of the sixteen townships of Schoharie County, forming and constituting the Schoharie County Board of Supervisors, shall be as follows:

TOWN	POPULATION 2000 FEDERAL CENSUS	SUPERVISOR'S VOTE [10%]
BLENHEIM	330	33
CONESVILLE	726	73
BROOME	947	95
SUMMIT	1,123	112
GILBOA	1,215	122
FULTON	1,270	127
JEFFERSON	1,285	129
WRIGHT	1,547	155
SEWARD	1,637	164
CARLISLE	1,758	176
SHARON	1,843	184
ESPERANCE	2,043	204
RICHMONDVILLE	2,412	241
SCHOHARIE	3,254	326
MIDDLEBURGH	3,515	352
COBLESKILL	4,813	481
TOTAL	<hr/> 29,718	<hr/> 2974

[b] Two-thirds vote

In voting upon resolutions, motions, proceedings and all other matters of decisions determinable by a two-thirds [2/3 rds] vote, the respective votes, as herein reapportioned, adjusted, weighted, and assigned to each of the Town Supervisors of each of the sixteen townships of Schoharie County, forming and constituting the Schoharie County Board of Supervisors, shall be as follows:

TOWN	POPULATION 2000 FEDERAL CENSUS	SUPERVISOR'S VOTE [10%]
BLENHEIM	330	33
CONESVILLE	726	73
BROOME	947	95
SUMMIT	1,123	112
GILBOA	1,215	122
FULTON	1,270	127
JEFFERSON	1,285	129
WRIGHT	1,547	155
SEWARD	1,637	164
CARLISLE	1,758	176
SHARON	1,843	184
ESPERANCE	2,043	204
RICHMONDVILLE	2412	241
SCHOHARIE	3,254	326
MIDDLEBURGH	3,515	352
COBLESKILL	4,813	481
TOTAL	<hr/> 29,718	<hr/> 2974

[c] The attendance of Supervisors entitled to cast 1488 votes under the majority vote plan in Section III [a] shall be required to constitute a quorum of the Board of Supervisors.

[d] The affirmative vote of Supervisors entitled to cast a total of at least 1488 votes shall be necessary for the adoption of any resolution, motion, proceeding and any other matter or decision requiring a majority vote of the Board of Supervisors pursuant to applicable law, and based upon the plan in Section III [a].

[e] The affirmative vote of Supervisors entitled to cast a total of at least 1983 votes shall be necessary for the adoption of any resolutions, motions, proceedings and all other matters or decisions requiring a two-thirds vote of the Board of Supervisors pursuant to applicable law, and based upon the plan in Section III [b].

[f] Notwithstanding any other provisions of this Local Law, every member of the Board of Supervisors serving on a committee of such board shall be entitled to cast one [1] vote as a member of said committee.

#### SECTION IV – Separability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION V – Effective date -- Permissive Referendum

This Local Law shall, in accordance with section 24 of the Municipal Home Rule Law, be subject to a referendum on petition and shall take effect no earlier than forty-five [45] days after its adoption by the board of Supervisors and subsequent filing with the Secretary of State, or upon approval of a majority of the qualified electors voting, if a petition for a Permissive Referendum is filed pursuant to the aforesaid provisions of the Municipal Home Rule Law and subsequent filing with the Secretary of State.

(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 approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(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 approved)(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.

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 2002 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of SCHUMAKER was duly passed by the SCHUMAKER COUNTY BOARD OF SUPERVISORS on MARCH 15, 2002, and was (approved)(not approved)(repassed after disapproval) by the RICHARD C. HANSON on MARCH 15, 2002. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of MAY 2, 2002, 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 county-wide 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 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~~\_\_\_\_~~2002 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 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 \_\_\_\_\_, above.

LEHANN LACY  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: MAY 2, 2002

(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 SCHENECTADY

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]  
Signature

COUNTY ATTORNEY  
Title

County  
City of SCHENECTADY  
Town  
Village

Date: MAY 2, 2002