

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday

6:30pm

December 16, 2021

The meeting was called to order at 6:32pm by Chairman Sullivan who requested Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislators Albano and Castellano & Chairman Sullivan were present.

Item #3 – Approval of Minutes – November 22, 2021

The minutes were approved as submitted.

Item #4 – Approval/ Budgetary Amendment 21A101/ County Clerk/ Fund Public Facing Portal

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

Item #5 – Approval/ Authorization for Intermunicipal Agreement with Westchester County to Effectuate a Mutual Aid & Rapid Response Plan for the Police Departments of Participating Municipalities and to Delegate to the Sheriff the Powers Granted to the Chief Executive Officer to Request & Grant Police Assistance

Senior Deputy County Attorney Conrad Pasquale stated previously, when this was submitted to the Committee it was consolidated in a single document and at that time it was recommended that it be separated. He stated there are two (2) separate issues; one is the resolution authorizing Putnam County to enter into the Intermunicipal Agreement (IMA) and the second is the local law pertaining to the delegation of authority (item #6). He stated this item is exactly what was discussed last month, which the Committee had no issue with. He stated this resolution will authorize the County to enter into the IMA.

Chairman Sullivan stated both the current Sheriff and Sheriff-Elect are in agreement with moving this forward as well.

Legislator Montgomery questioned if the County has corresponded with Westchester County in regard to this mutual aid agreement.

Chairman Sullivan stated he believes Undersheriff Cheverko has been in communication with Westchester County on this.

Senior Deputy County Attorney Pasquale stated this originated from Westchester County.

Legislator Montgomery stated she would like to see the correspondence between Undersheriff Cheverko and Westchester County. She questioned if Westchester advised Putnam County on this or provided any input.

Senior Deputy County Attorney Pasquale stated he was not involved in the discussions, therefore he is not aware of the specifics.

Chairman Sullivan stated he believes Undersheriff Cheverko brought this to the Legislature with the request that it be moved forward.

Legislator Montgomery stated she is curious to what Westchester County's input was. She stated she would contact Undersheriff Cheverko unless the Committee would like to request the information.

Legislator Nacerino stated the Westchester County plan is attached.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

Item #6 – Approval/ Local law to Amend the Code of Putnam County by Adding a New Article II to Chapter 95 Entitled “Granting and Requesting Aid”

Senior Deputy County Attorney Pasquale stated the mutual aid agreement would be to request or grant authority to a municipality outside the County of Putnam, which falls under Section 209-M of the General Municipal Law. He stated under this law, authority to grant and request aid rests solely with the County Executive, however, there is a provision in that section that allows the authority to be delegated to the Chief of the police force, which in this case is the Sheriff. He confirmed that the Sheriff falls under the definition of Chief of Police. He stated essentially, this means the authority can be delegated. He stated the language in the proposed local law in front of the Committee is the exact language that Westchester County has in their law. He stated what the Committee may want to consider is adding additional limitations such as reporting requirements. He stated he would be happy to make any requested changes and resubmit the proposed local law to the Committee.

Chairman Sullivan stated he would like to add reporting requirements such as if Putnam County requests mutual aid or is requested to provide mutual aid, the Sheriff's Department will notify the Legislature. He stated in the case where mutual aid is needed, it will most likely be a big event and it would be beneficial for the Legislature to be made aware of it. He questioned if the Committee and Legislators present agree with delegating the authority from the County Executive to the Sheriff. He stated as Senior Deputy County Attorney Pasquale mentioned, Westchester County grants this

authority to the Sheriff. He stated many of these events will be emergency, time of the essence events and the process could be slowed down if the Sheriff were required to obtain approval from the County Executive.

Legislator Nacerino stated it would be more rational for the Sheriff to have the authority over the County Executive in this case. She stated she also agrees with adding in the additional reporting requirements.

Chairman Sullivan agreed.

Legislator Albano stated it is logical for the Sheriff to have the authority.

Legislator Castellano agreed as well. He questioned what would happen if the Sheriff were unavailable when a request was made.

Senior Deputy County Attorney Pasquale stated the delegation of authority from the County Executive to the Sheriff does not absolve the County Executive's authority. He stated it is also possible to make this a revocable authority, which would provide more flexibility.

Chairman Sullivan questioned if Legislative Counsel Robert Firriolo had any comments.

Legislative Counsel Firriolo stated the issue he had raised was to have this codified, which will be done through this local law. He stated if the Committee wants to make this a revocable delegation, it may make sense to provide the County Executive the flexibility to designate other people in an emergency situation if needed, such as the Undersheriff.

Legislator Castellano stated he is in favor of the ability to designate the Undersheriff if the Sheriff were unavailable.

Senior Deputy County Attorney Pasquale stated he will look into whether that would be admissible. He stated the statute explicitly states that the authority may be designated to the Chief, but he will research it to see if it allows for the Undersheriff acting as the Chief.

Chairman Sullivan stated the local law will be considered by the Committee in a later meeting with the discussed revisions.

Chairman Sullivan made a motion to table Local law to Amend the Code of Putnam County by Adding a New Article II to Chapter 95 Entitled "Granting and Requesting Aid"; Seconded by Legislator Castellano. All in favor.

**Item #7 – Update/ Discussion/ Redistricting/ Legislative Counsel Robert Firriolo
(Tabled from November Mtg.)**

Chairman Sullivan stated this redistricting is solely related to Putnam County Legislative districts; not State or Federal districts. He stated the State changed the law related to redistricting in late October.

Legislative Counsel Firriolo presented the attached PowerPoint presentation. He stated every 10 years the census is taken and as a result of the census, there must be a redistricting due to the changes in population. He stated Slide 2 provides the definition of reapportionment, the technical term for redistricting. He stated the Putnam County Charter explicitly requires reapportionment; Article 14 includes a provision for periodic revision, which is included on Slide 3. He stated creating a bipartisan redistricting commission is a mandatory duty of the Legislature. He reviewed Slide 4, which breaks down the requirements included in the Charter. He stated the idea of redistricting is to level out the districts as much as possible. He stated as noted on Slide 5, redistricting is the responsibility of the Legislature and is not an Executive function. He stated as Chairman Sullivan mentioned, this redistricting is for County Legislative Districts only and is not part of the statewide redistricting. He stated redistricting of County Election Districts is not required but re-forming them may be key to being able to comply with the law for the Legislative Districts. He stated Slide 6 provides history of how the Redistricting Commission was organized and how the process was done in 2001 and 2011. He stated in 2001, the IT/GIS Department undertook the mapping of the districts within the County. He stated in both 2001 and 2011 the Redistricting Commissions were chaired by Legislative Counsel and did not include any legislators as members, although there was participation by legislators. He stated in 2011 the Redistricting Commission considered seven (7) different redistricting plans, and then recommended one (1) to the Legislature, which the Legislature approved. He stated Slide 7 shows a typical timeline for redistricting that came from NYSAC (New York State Association of Counties), which includes the census being taken in 2020 and the data being released in April 2021. However, this is not a typical year and the census data was not released until August 2021. He stated even more importantly, on October 27, 2021 New York State changed the redistricting law that effects counties. He stated he began working on this presentation in August when the numbers were released and everything needed to be redone when this law was changed. He stated Slide 8 provides a procedure that can be followed for the redistricting process. He stated the Legislature will appoint a Redistricting Commission, the Commission will meet as much as necessary to formulate a recommended redistricting plan, the Commission will submit all recommended plans to the Legislature, and the Legislature can select a plan or request further changes to the plans. He stated the Redistricting Commission has no binding power; it is strictly advisory. He stated the Legislature would then vote on a resolution to propose the plan for adoption by local law and the Legislature would hold a public hearing on said proposed local law. He stated usually, the Legislature would approve a local law and the County Executive would hold a public hearing however in this case, the new law dictates that the Legislature is required to hold a public hearing on the proposed local law. He stated after that public hearing, the Legislature would enact a local law implementing the plan and the County Executive would then sign or veto it. He reviewed the New York State Law on Redistricting on Slide 9. He stated prior to October 2021, the previous law deemed that Charter counties were not required to

follow the State Municipal Home Rules Law redistricting standards; instead, they follow the Charter and the United States Constitution. He states counties must redistrict if they are in violation of the “10% rule”. He reviewed a related case from 1983 detailed on Slide 10. He stated it was found that where there are population disparities between district of more than 10%, it is presumed to be discriminatory. He stated the deviation is defined as the difference between the highest “over” percentage and the highest “under” percentage with respect to the average district population. He stated Slide 11 shows how this case law applied to the 2010 census with respect to the Legislative districts in Putnam County. He reviewed the calculations used to find how the County fared in the “10% test”. He stated in 2010, the deviation came out to 8.81%, which passes as it is less than 10%. He stated Slides 12 and 13 shows the same data on the County district map. He stated during the last redistricting the Legislature amended Section 70 of the Putnam County Code, which lists each Legislative District and breaks it down by Election Districts, shown on Slide 14 and 15. He stated Slide 16 details the New York State Law that was signed on October 27, 2021. He stated the amended law extends to Charter counties and makes counties consider redistricting factors, which are listed in priority order on Slide 16. He stated the first priority lowers the “10% rule” to a “5% rule”. He stated this is a huge change, which will be discussed further. He provided an explanation of the remaining items on the priority list. He stated the Putnam County Charter requires that the County must abide by State law. He stated more than one (1) speaker on a webinar he attended in November mentioned that they believe this new law will be challenged, which could result in it being thrown out and counties would continue following the 10% rule. He stated until that happens, the County must abide by the current State law. He stated Slide 18 shows a comparison of the census data between 2010 and 2020. He stated the 2020 population numbers for each Legislative District were provided by the IT Department. He stated the average per district dropped from 11,079 in 2010 to 10,852 in 2020. He stated Legislative Districts #1 and #7 grew the most between 2010 and 2020 while the average change in the districts was a decrease of about 227 people. He stated the key number to focus on is the average of 10,852. He stated these population numbers for 2020 were based on the census blocks that were part of the 2010 census. He stated census blocks are the creation of the United States Commerce Department; Putnam County is not involved and there is no rhyme or reason as to how the census blocks are created. He stated the blocks changed from 2010 to 2020 and the IT Department has been going through each census block to try to calculate the population of each election district.

Legislator Castellano questioned why the census blocks are being used. He questioned if this was changed between 2000 and 2010.

Legislative Counsel Firriolo stated it was changed between 2000 and 2010, but it was less critical because there was much less room for error in the size of the districts. He stated on Slide 19, the same analysis is done with the 2020 numbers as was done with the 2010 numbers. He stated the greatest “over” district is 5.23% and the greatest “under” district is 5.05% which comes out to a total of 10.28% and therefore fails the new 5% rule. He stated under the previous 10% rule guidelines, Putnam County would be just barely over the 10% therefore a very minor reallocation would have been

required. He stated now that it needs to meet the 5% rule, there will have to be many changes. He stated the district populations are still being worked on by the IT Department, therefore the Redistricting Commission will wait to have the correct numbers before making any recommendations. He stated the numbers being used tonight will be close and will work for discussion purposes. He stated Slides 21-24 show the Legislative District maps in Putnam County and has the 2020 numbers on each district map. He stated Legislative District #6 has the highest population. He reviewed some hypothetical reallocation options based on these numbers. He stated it will be challenging because moving population to a contiguous district could skew the numbers in that district without lowering the overall difference under the required 5%.

Legislator Jonke questioned if population could be moved into a contiguous district and from that district into another contiguous district to keep the numbers more even.

Legislative Counsel Firriolo stated that is possible. He stated Slide 25 shows a hypothetical reallocation where an Election District is moved from Legislative District #2, which has a higher population, to Legislative District #8, which has a much lower population. He stated this change would work under the old 10% rule, however it is 5.06% and therefore fails the new 5% rule. He stated the goal is to achieve an average of 2.5% deviation in all districts.

Legislator Gouldman stated the election districts themselves may need to be changed.

Legislative Counsel Firriolo stated Slide 26 shows a contiguous Election District moving from Legislative District #1 to Legislative District #2 to try to even out the population, but this wound up skewing the numbers even more. He stated the size of the Election Districts are large, which makes it difficult to move them into another Legislative District; some are as many as 2,000 people. He stated compliance with the new 5% rule is not going to be easy. He stated the population deviation between Election Districts will need to be within 271 people.

Legislator Gouldman questioned if the 5% rule applies to Election Districts as well as Legislative Districts.

Legislative Counsel Firriolo stated no, an Election District can be any size.

Legislator Gouldman stated the census was taken in 2020 and as a result of the COVID-19 pandemic, many people moved into the area changing the population. He questioned how this might affect the numbers since the census was taken.

Legislative Counsel Firriolo stated the census numbers are fixed for the next 10 years and that is what needs to be used no matter what may have happened after the census was taken. He stated he believes the most likely solution is to redraw and increase the number of Election Districts in order to make them smaller. He stated if the new law is challenged and is invalidated, the old 10% rule would be the binding law. He stated in that case, the County would still need to redistrict, but it would be much simpler. He

stated Slide 28 shows the population density in each Election District within Legislative District #1, which has been determined by the work done in the IT Department. He stated currently, Legislative District #1 is the only one that has been completed. He stated there are some districts where the population density is much higher, which will be more problematic when moving them around. He stated the same information will be collected in the Election Districts within the remaining eight (8) Legislative Districts. He stated NYSAC mentioned that there are outside consultants assisting counties with this work. He stated the Putnam County IT Department believed it would be helpful for their department to do the initial work since they are familiar with the maps and then utilize an outside consultant to confirm that the work they did is correct. He stated that is only an option and would be up to the Legislature to spend the money on it.

Legislator Albano stated the last redistricting was difficult for Legislative District 5, which he represents. He stated many changes were made to make sure everything was correct, and that was under the 10% rule.

Legislator Castellano requested clarification on why each Legislative District has varying numbers of Election Districts. He questioned what the optimal population per Election District is.

Legislative Counsel Firriolo stated the Election Districts are set by the Board of Elections. He stated the old law set a number based on the capacity of the old lever voting machines, which are no longer used. He stated he does not know what the optimal number might be per Election District, and it may vary based on location.

Legislator Addonizio questioned what would happen in the case where an Election District where a sitting Legislator resides was moved into another Legislative District.

Legislative Counsel Firriolo stated one of the considerations to follow is to not disrupt the current circumstances. He stated therefore, a sitting legislator would not be unseated through redistricting.

Legislator Nacerino questioned what the timeline of the redistricting is.

Legislative Counsel Firriolo stated there is no set law on when this has to be completed.

Chairman Sullivan stated this will not be completed before the 2022 General Election.

Legislative Counsel Firriolo stated that is correct, it will most likely go into effect in 2023. He stated he cannot stress enough the magnitude of difficulty that increases by going from 10% to 5%.

Legislator Gouldman questioned how the inmates in the County jail are counted.

Legislative Counsel Firriolo stated there is a specific provision about how to deal with jail populations. He stated he is not sure if the jail population is even counted; prison populations are definitely counted but he was not sure about jails.

County Attorney Jennifer Bumgarner stated it was pointed out that a sitting legislator cannot be disrupted and she questioned how term limits impact this. She stated the legislator could be termed out at the time the redistricting goes into effect.

Legislative Counsel Firriolo stated it is not that it cannot be done, but it should not be done if it can be avoided. He stated in a situation where a legislator is termed out, that legislator would not be disenfranchised by the move and therefore it would not be a significant consideration.

Chairman Sullivan thanked Legislative Counsel Firriolo for this informational presentation.

Item #8 – FYI/ Litigation Report

Chairman Sullivan questioned if there were any significant changes.

County Attorney Bumgarner stated there are currently no cases that are close to settlement discussions.

Chairman Sullivan requested clarification on the cases relating to the County Clerk's Office.

County Attorney Bumgarner stated those cases are brought forward frequently. She stated they are litigation brought by either the bank or homeowner where a mortgage is satisfied but not filed with the County Clerk's Office. She stated in this case, they have to sue in order to get a satisfaction of mortgage and the County Clerk must be named as a necessary party. She stated these cases are monitored but the County takes no position in them.

Item #9 – Other Business

a. Discussion/ Memorandum of Agreement/ Tilly Foster Farm/ Cornell Cooperative Extension

Chairman Sullivan made a motion to waive the rules and accept the other business; Seconded by Legislator Albano. All in favor.

Chairman Sullivan stated a letter was received from the County Attorney's Office about this memorandum of agreement (MOA) for Cornell Cooperative Extension to utilize space at Tilly Foster Farm. He stated Cornell Cooperative Extension will improve the building at their cost.

Executive Director of Putnam County Cornell Cooperative Extension Stefanie Hubert thanked the Committee for accepting this item as other business. She stated Putnam County Cornell Cooperative Extension (PCCCE) is requesting a Memorandum of Agreement with the County to secure a place at Tilly Foster Farm. She stated the cantina building is in dire shape and the cost of refurbishing the building to bring it up to code to have usable classroom and office space would be an inefficient use of funds. She stated rather, they are proposing a complete tear down of the building. She stated there is a Watershed Agricultural Council (WAC) assessment on the property and staying within the rules of WAC they are looking to construct a new building. She stated the new building would be a two (2) story rectangular structure and would stay within the WAC-permitted square footage (68' x 40'). She stated the first floor of the building is intended to be a large classroom and/or community room with a catering kitchenette that would be available for other organizations to use as well. She stated upstairs would have an open floor plan that would allow PCCCE to grow as grants and other sources of funding increase. She stated the new building would be paid for solely at Cornell's expense through a myriad of different funding sources. She stated the MOA between Putnam County and PCCCE would allow PCCCE to pursue funding opportunities that would allow them to put this building on the County-owned property with the intent that the building is Cornell's. She stated PCCCE appreciates that Putnam County has allowed them to utilize space in County buildings since 1944. She stated they are rapidly outgrowing their current space, which is preventing them from doing their due diligence for their programs. She stated their main concern is where they would be left if the County ever decides to sell Tilly Foster Farm to a private entity.

Legislator Gouldman stated he believes that is not a possible situation because one of the agreements of purchasing Tilly Foster Farm was that it cannot be sold to a private entity; it would have to be sold back to New York City for \$1.00.

County Attorney Bumgarner stated this is the first step in this process; these are initial discussions between the County and PCCCE. She stated the purpose of the MOA is so that PCCCE can illustrate to their potential funding sources that they do have an interest in the property they are looking to build on. She stated in order to move the process forward, PCCCE needs the agreement to pursue funding sources. She stated basically what the MOA spells out is what the relationship between PCCCE and the County will be and how it will be structured. She stated WAC will be involved in this process as it moves along, especially in the construction and use of the new building. She stated WAC is supportive of PCCCE being on Tilly Foster Farm; they feel very strongly that it is a symbiotic relationship. She stated some ideas that have been brought forward are increased PCCCE activities at the Farm, more 4H events as opposed to the one (1) annual 4H Fair, and more community involvement. She stated moving forward, once construction is completed, she anticipates coming back before the Legislature to discuss a ground lease, which would dictate the relationship between PCCCE and the County moving forward from that point, similarly to the relationship between the County and Camp Herrlich. She stated this is the very initial step in the process to give PCCCE the ability to obtain funding and resources as well as get onto the property physically in order to do necessary engineering and construction investigation.

Chairman Sullivan stated PCCCE currently occupies space in a County facility, which would be free for other uses once vacated. He stated removing an older building and adding a brand new building to Tilly Foster Farm is a terrific idea, especially since it will be available for use by the public.

Legislator Albano stated he would be interested in seeing a plan before things move forward with the new building and he would like to see some aspects of the current building in the new one, such as the stained glass.

Executive Director Hubert stated she has been working with a construction company and the proposed building is a barn structure that will fit in nicely with the aesthetics of the surrounding buildings. She stated she would like to do things as cost and energy efficient as possible. She stated she would love to incorporate some of the old aspects from the existing cantina building into the new structure and continue its history.

Chairman Sullivan stated he would like Executive Director Hubert to come back before the Committee regularly to provide updates on this process.

Legislator Jonke requested clarification on the five (5) year lease with a five (5) year extension. He stated it seems like a short period of time.

County Attorney Bumgarner stated it is a short period of time and she would like it to be longer as well. She stated the lease will be automatically renewable. She stated under Section 215 of New York State County Law, County property can only be leased for a maximum of five (5) years.

Legislator Jonke stated if there was a way to lease the property for longer than five (5) years it would be more appealing to the funding sources.

Executive Director Hubert agreed. She stated in the previous County she worked in, they had a 99 year lease for \$1, similar to what many not-for-profit organizations have. She stated per County Law, this type of lease could not be accommodated.

County Attorney Bumgarner stated because this would be a ground lease, which leases the property underneath the building rather than the building itself; she will look into whether the same provision applies.

Legislator Jonke stated the shortest term he has seen is 30 years and up to 99 years. He stated a longer lease would provide a sense of security and the funding source will feel more secure.

Director of Tourism Tracey Walsh stated Putnam County Tourism works closely with PCCCE on many projects and she is thrilled to have them coming to the Farm.

Executive Director Hubert stated she believes PCCCE could do so much more with their program with additional space and the perfect space, which would be Tilly Foster Farm. She stated not only would it help expand their programs, but it will help the County as well by hopefully bringing more people to Tilly Foster Farm.

Chairman Sullivan stated PCCCE Board Member Billy Giles is present this evening and he asked if Mr. Giles had any comments.

Mr. Giles stated this is something that has been discussed for years and he believes Tilly Foster Farm is the perfect place for PCCCE to be, as it will attract more people to attend the Fair and other events. He stated after being associated with PCCCE for over 40 years, next year will be his last on the Board and he will be glad to see this move forward.

Director Walsh stated one of the pillars of agrotourism is education, which makes PCCCE a perfect fit on the Farm.

Item #10 – Adjournment

There being no further business at 7:51pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.



Robert P. Firriolo
Legislative Counsel

REDISTRICTING ("REAPPORTIONMENT") OF THE PUTNAM COUNTY LEGISLATURE AFTER THE 2020 CENSUS



Altieri
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Attorneys at Law

What Is Reapportionment?




Merriam-Webster SINCE 1828

GAMES & QUIZZES | THESAURUS | WORD OF THE DAY | FEATURES | SHOW

reapportionment

Dictionary Thesaurus

reapportionment noun

 Save Word

re·ap·por·tion·ment | \ ,rē-ə-'pōr-shən-mənt  \

plural **reapportionments**

Definition of *reapportionment*

: an act or result of reapportioning something : the process or result of making a new proportionate division or distribution of something

especially, US law : the reassignment of representatives proportionally among the states in accordance with changes in population distribution



Reapportionment Evaluation is Required by the Charter

Article 14. Reapportionment

§ 14.01. Provision for periodic revision.

The County Legislature shall abide by state law in ordering periodic evaluation of the population distribution of the County on the basis of regular federal censuses, and in so doing the Legislature shall appoint a bipartisan committee or commission to carry out the evaluation of existing County districts.

Reapportionment shall be based on the concept of one-person, one-vote and the legislative districts shall reflect a "community of interest" among the population so districted. Said "community of interest" shall be based on such factors as geographical barriers, historical development and political subdivisions so that the populace of Putnam County shall have equitable representation in the County Legislature.



Charter Requirements

- **Abide by state law**
- **One-person, one-vote** (everyone's vote counts the same)
 - In overpopulated districts each person's vote counts less than it should.
 - In underpopulated districts, each person's vote counts more than it should.
- Legislative Districts shall reflect a "**community of interest**" considering:
 - Geographical barriers
 - Historical development
 - Political subdivisions (e.g., towns, villages, school districts, EDs, etc.)
- **Appoint** a bipartisan committee or commission to evaluate the existing County districts



Reapportionment Overview

- Responsibility of the Putnam County Legislature alone
- Limited to the nine County Legislative Districts
 - Not part of statewide redistricting (Congress, Assembly, Senate, etc.)
 - Redistricting of county Election Districts not required but may be ***recommended*** to the Board of Elections to help achieve “one person, one vote” and aid in legislative redistricting.

Reapportionment - History

Legislature appointed a bipartisan Redistricting Commission by resolution.

2001 Commission:

- Six members, chaired by Legislative Counsel; included Director of IT
- Worked in cooperation with the towns and the Board of Elections to ensure that new election districts and new legislative districts were coordinated and compatible
- IT undertook mapping of original town Election Districts as well as changes to the districts as the towns revised their Election Districts to conform with the requirements of the Board of Elections

2011 Commission:

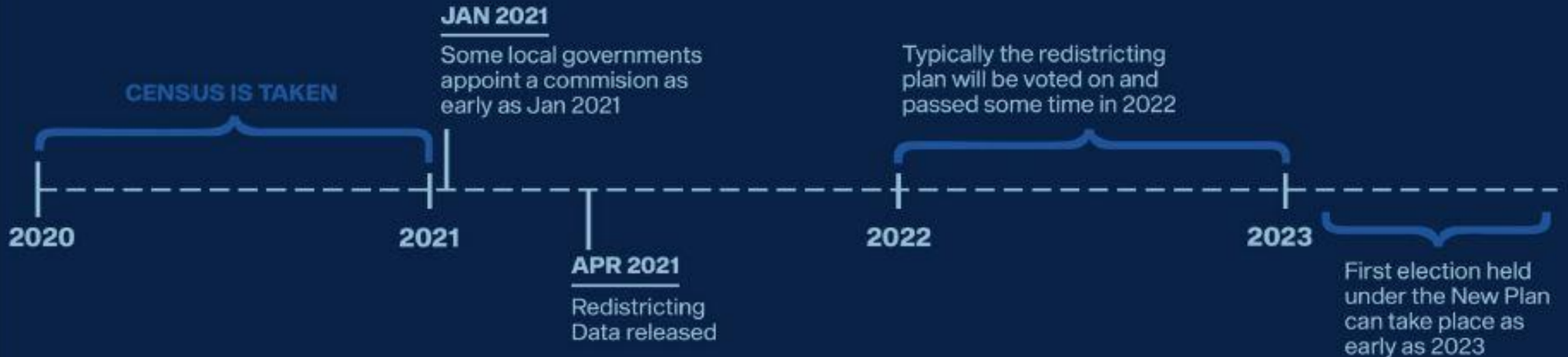
- Four members, chaired by Legislative Counsel
- Considered seven different redistricting plans
- Chose “more radical” option to “include Lake Gleneida (Carmel Election District 20) in the Legislative District that encompasses the Hamlet of Carmel and in order to reduce the number of Towns represented by Legislative District 5 from 3 to 2. In addition to these considerations, Option 7 also deals more effectively with the ‘community of interest’ requirement contained in the Putnam County Charter.”



Typical Timeline

7

Redistricting Timeline



This is not a “typical” year:

- 2020 census data was not released until August 12, 2021.
- **NY State changed redistricting law for charter counties on October 27, 2021.**



Altieri
& Firriolo PLLC
Attorneys at Law

Reapportionment Procedures (Presumption)

8

- Legislature appoints bipartisan commission
- Commission meets (and meets and meets) to formulate recommended redistricting plan(s)
- Commission recommends plan(s) to the Legislature
- Legislature can 1) select a recommended plan; 2) ask the Commission to reconsider or make changes; or 3) create its own plan.
- Legislature votes on a resolution to propose the plan for adoption by local law
- Legislature holds a public hearing on the proposed local law*
- Legislature enacts a local law implementing the proposed plan
- County Executive signs or vetoes local law implementing the plan

* New Municipal Home Rule Law §10(1)(a)(13) (d.): Where a public hearing on a local law proposed to be adopted under this subparagraph is required, by subdivision five of section twenty of this chapter, to be held only before an elective chief executive officer, **the legislative body shall not adopt such proposed local law until after a public hearing shall have been held thereon before it**, on notice as provided in such subdivision five, in which event no public hearing thereon before such chief executive officer shall be required.



NYS Law on Redistricting

Pre-2021 Municipal Home Rule Law (MHRL) §10(1)(a)(13)

- Population equality required
- No towns except those comprising 110% of a district population can be divided
- Provide fair and effective representation for the people of the local government as organized in political parties
- Districts shall be of convenient and contiguous territory in as compact form as practicable

Case Law held this law *did not apply* to charter counties like Putnam

- In **1991**, Westchester LWV challenged that county's legislative redistricting because it didn't follow the above state guidelines. The NYS Supreme Court, Appellate Division, held that the county "operates under a charter form of government and its reapportionment plans are adopted pursuant to its charter, not Municipal Home Rule Law Sec 10(1)(a)(13)(a)."
- **Charter counties were not required to follow the State MHRL redistricting standards.**
- ***Follow the Charter and the US Constitution.***



Under the Case Law that Controlled Prior Redistricting

10

Q: Do you have to redistrict?

A: Most likely “yes,” if you were in violation of the “10 percent rule”

United States Supreme Court Case: *Brown v. Thomson* [462 U.S. 835 (1983)] (5-4 decision)

- “[A]n apportionment plan with population disparities **larger than 10% creates a *prima facie* case of discrimination** and therefore must be justified by the State”
- “[M]inor deviations from mathematical equality among state legislative districts are insufficient to make out a *prima facie* case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State. Our decisions have established, as a general matter, that **an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations.**”
- The **deviation** is defined by “adding together the deviations from average district size of the most underrepresented and most overrepresented districts.” (I.e., **the difference between the highest “over” percentage and the highest “under” percentage with respect to the mean (average) district population.**)



Controlling Case Law – As Applied to 2010 Census

<u>District</u>	2010 Pop.	Difference from avg	% of avg
1	10,971	(108)	(0.97)
2	11,212	133	1.20
3	10,767	(312)	(2.82)
4	10,936	(143)	(1.29)
5	10,912	(167)	(1.51)
6	11,742	663	5.99
7	11,151	72	0.65
8	10,830	(249)	(2.25)
9	11,189	110	0.99
Total	99,710		
Avg. per dist	11,079		

SCOTUS “Ten Percent Test”

↔ Greatest “under” district: 2.82%

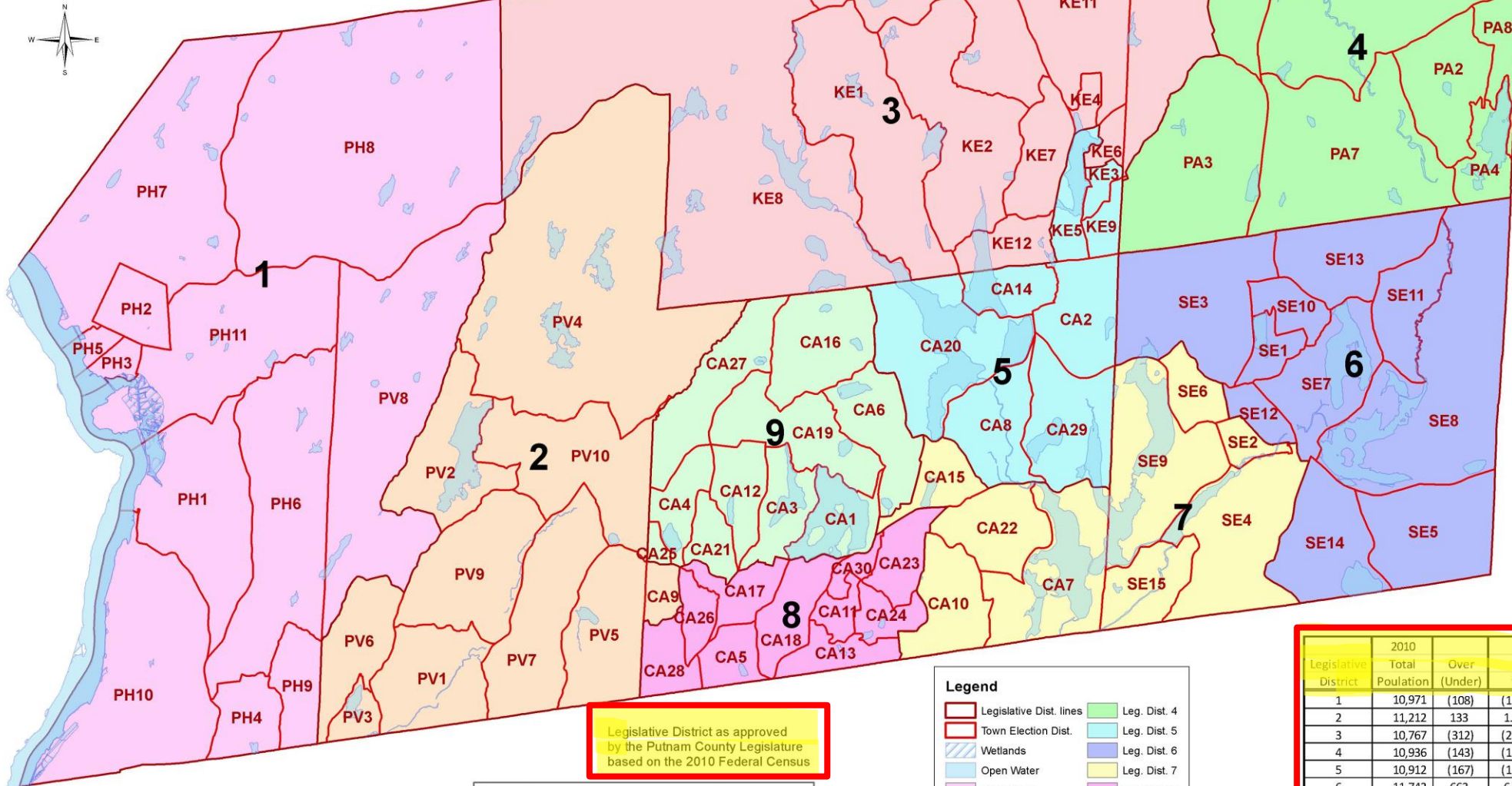
↔ Greatest “over” district: 5.99%

$$2.82\% + 5.99\% = 8.81\%$$

8.81% < 10%



Putnam County 2010 Census (Current Districts)



Legislative District as approved by the Putnam County Legislature based on the 2010 Federal Census

Map by: Putnam County Dept. of Information Technology / GIS
 Prepared by: AMO - Scale 1:94,500 - June, 2012
 2010/CW-Final-Leg-BOE-11x17
 www.putnamcountyny.com

Legend

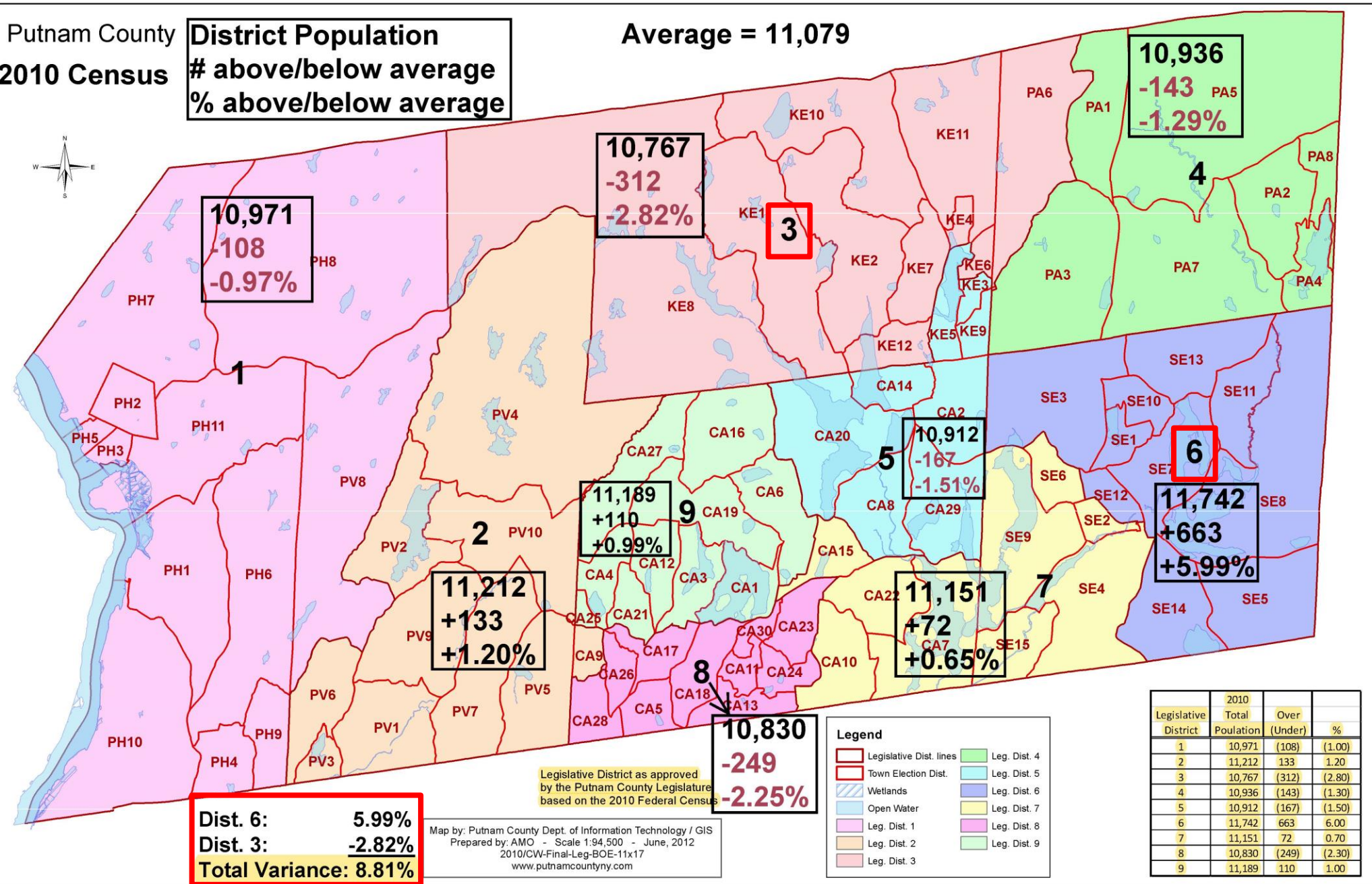
- Legislative Dist. lines
- Town Election Dist.
- Wetlands
- Open Water
- Leg. Dist. 1
- Leg. Dist. 2
- Leg. Dist. 3
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- Leg. Dist. 5
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- Leg. Dist. 8
- Leg. Dist. 9

Legislative District	2010 Total Population	Over (Under)	%
1	10,971	(108)	(1.00)
2	11,212	133	1.20
3	10,767	(312)	(2.80)
4	10,936	(143)	(1.30)
5	10,912	(167)	(1.50)
6	11,742	663	6.00
7	11,151	72	0.70
8	10,830	(249)	(2.30)
9	11,189	110	1.00

Putnam County
2010 Census

District Population
above/below average
% above/below average

Average = 11,079



Dist. 6: 5.99%
Dist. 3: -2.82%
Total Variance: 8.81%

Map by: Putnam County Dept. of Information Technology / GIS
Prepared by: AMO - Scale 1:94,500 - June, 2012
2010/CW-Final-Leg-BOE-11x17
www.putnamcountyny.com

Legislative District as approved by the Putnam County Legislature based on the 2010 Federal Census

Legend

Legislative Dist. lines	Leg. Dist. 4
Town Election Dist.	Leg. Dist. 5
Wetlands	Leg. Dist. 6
Open Water	Leg. Dist. 7
Leg. Dist. 1	Leg. Dist. 8
Leg. Dist. 2	Leg. Dist. 9
Leg. Dist. 3	

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6	11,742	663	6.00
7	11,151	72	0.70
8	10,830	(249)	(2.30)
9	11,189	110	1.00

2010 LDs Breakdown by EDs – County Code

§ 70-1. Description of districts.

The Putnam County Legislative Districts are hereby described by County election district by population as determined by the United States Census Bureau for the 2010 Census.

§ 70-2. Legislative District 1.

Legislative District 1 shall be as follows:

Election District	Population
Philipstown 1	762
Philipstown 2	628
Philipstown 3	1,082
Philipstown 4	1,018
Philipstown 5	931
Philipstown 6	990
Philipstown 7	1,027
Philipstown 8	1,190
Philipstown 9	912
Philipstown 10	493
Philipstown 11	629
Putnam Valley 8	<u>1,309</u>
	10,971

§ 70-3. Legislative District 2.

Legislative District 2 shall be as follows:

Election District	Population
Putnam Valley 1	1,324
Putnam Valley 2	1,093
Putnam Valley 3	1,567
Putnam Valley 4	1,033
Putnam Valley 5	1,286
Putnam Valley 6	998
Putnam Valley 7	1,005
Putnam Valley 9	1,254
Putnam Valley 10	940
Carmel 9	<u>712</u>
	11,212

§ 70-4. Legislative District 3.

Legislative District 3 shall be as follows:

Election District	Population
Kent 1	1,214
Kent 2	856
Kent 4	1,143
Kent 6	827
Kent 7	1,037
Kent 8	1,543
Kent 10	858
Kent 11	1,194
Kent 12	1,008
Patterson 6	<u>1,087</u>
	10,767

§ 70-5. Legislative District 4.

Legislative District 4 shall be as follows:

Election District	Population
Patterson 1	1,533
Patterson 2	1,517
Patterson 3	1,892
Patterson 4	1,247
Patterson 5	2,282
Patterson 7	1,385
Patterson 8	<u>1,080</u>
	10,936



2010 LDs Breakdown by EDs – County Code

§ 70-1. Description of districts.

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Patterson 5	2,282
Patterson 7	1,385
Patterson 8	<u>1,080</u>
	10,936

§ 70-6. Legislative District 5.

Legislative District 5 shall be as follows:

Election District	Population
Carmel 2	1,841
Carmel 8	1,266
Carmel 14	1,137
Carmel 20	1,420
Carmel 29	1,421
Kent 3	1,332
Kent 5	1,450
Kent 9	<u>1,045</u>
	10,912

§ 70-7. Legislative District 6.

Legislative District 6 shall be as follows:

Election District	Population
Southeast 1	1,401
Southeast 3	1,234
Southeast 5	722
Southeast 7	1,234
Southeast 8	1,432
Southeast 10	1,246
Southeast 11	1,236
Southeast 12	963
Southeast 13	971
Southeast 14	<u>1,303</u>
	11,742

§ 70-8. Legislative District 7.

Legislative District 7 shall be as follows:

Election District	Population
Southeast 2	2,390
Southeast 4	826
Southeast 6	1,148
Southeast 9	1,242
Southeast 15	1,056
Carmel 7	1,295
Carmel 10	981
Carmel 15	1,171
Carmel 22	<u>1,042</u>
	11,151

§ 70-9. Legislative District 8.

Legislative District 8 shall be as follows:

Election District	Population
Carmel 5	1,426
Carmel 11	720
Carmel 13	1,071
Carmel 17	889
Carmel 18	1,351
Carmel 23	1,073
Carmel 24	1,268
Carmel 26	923
Carmel 28	867
Carmel 30	<u>1,242</u>
	10,830

§ 70-10. Legislative District 9.

Legislative District 9 shall be as follows:

Election District	Population
Carmel 1	923
Carmel 3	1,491
Carmel 4	962
Carmel 6	1,210
Carmel 12	959
Carmel 16	1,188
Carmel 19	1,466
Carmel 21	921
Carmel 25	1,299
Carmel 27	<u>770</u>
	11,189



Current NYS Law – Signed October 27, 2021

Chapter 516 amends MHRL § 10(a)(1)(13) to extend its guidelines to cover charter counties so that statutory provisions for electoral procedures would be uniformly applied in New York State (except in NYC).

Redistricting factors to be applied, listed in order of priority, “to the extent applicable”:

- 1) For single-member districts: Population equality as near as practicable **within 5%**
- 2) Cannot intend to, or result in, denying or abridging “racial or language minority” voting rights
- 3) Districts “shall consist of **contiguous** territory”
- 4) Districts “shall be as **compact** in form as practicable”
- 5a) Cannot “discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties”
- 5b) Maintenance of cores of existing districts, of pre-existing political subdivisions including cities, villages, and towns, and of **communities of interest** shall be considered
- 5c) To the extent practicable, cannot divide villages, cities, or towns except those having “40% of a full ratio” of a district (i.e., a population of ~4,340 in Putnam)
- 6) Districts must be formed so as to promote orderly and efficient elections

Also: New requirement of Public Hearing by Legislature before adoption



Putnam County Charter Requirements

- Abide by state law
- One-person, one-vote
- Districts shall reflect a "community of interest" considering:
 - Geographical barriers
 - Historical development
 - Political subdivisions

***Legal challenge to new state law likely,
per NYSAC presenter***



Census Data Comparison – 2010 vs. 2020 (tentative)

<u>District</u>	2010 Pop.	Diff from avg	% of avg	<u>2010-20 Change</u>	2020 Pop.	Diff from avg	% of avg	<u>District</u>
1	10,971	(108)	(0.97)	106.00	11,077	225	2.07	1
2	11,212	133	1.20	(16.00)	11,196	344	3.17	2
3	10,767	(312)	(2.82)	(168.00)	10,599	(253)	(2.33)	3
4	10,936	(143)	(1.29)	(444.00)	10,492	(360)	(3.32)	4
5	10,912	(167)	(1.51)	(384.00)	10,528	(324)	(2.99)	5
6	11,742	663	5.99	(322.00)	11,420	568	5.23	6
7	11,151	72	0.65	79.00	11,230	378	3.48	7
8	10,830	(249)	(2.25)	(526.00)	10,304	(548)	(5.05)	8
9	11,189	110	0.99	(367.00)	10,822	(30)	(0.28)	9
Total	99,710			Total change	97,668	Change in district		
Avg, per dist	11,079			(2,042.00)	10,852	average 2010 - 2021	(226.89)	



Controlling State Law – As Applied to 2020 Census

<u>District</u>	2020 Pop.	Diff from avg	% of avg
1	11,077	225	2.07
2	11,196	344	3.17
3	10,599	(253)	(2.33)
4	10,492	(360)	(3.32)
5	10,528	(324)	(2.99)
6	11,420	568	5.23
7	11,230	378	3.48
8	10,304	(548)	(5.05)
9	10,822	(30)	(0.28)
Total	97,668		
Avg, per dist	10,852		

New “Five Percent Test”

$$5.23\% + 5.05\% = 10.28\%$$

$$10.28\% > 5\%$$



Caveat: Need to revise tentative district populations using 2020 Census Blocks



Greatest “over” district: 5.23%



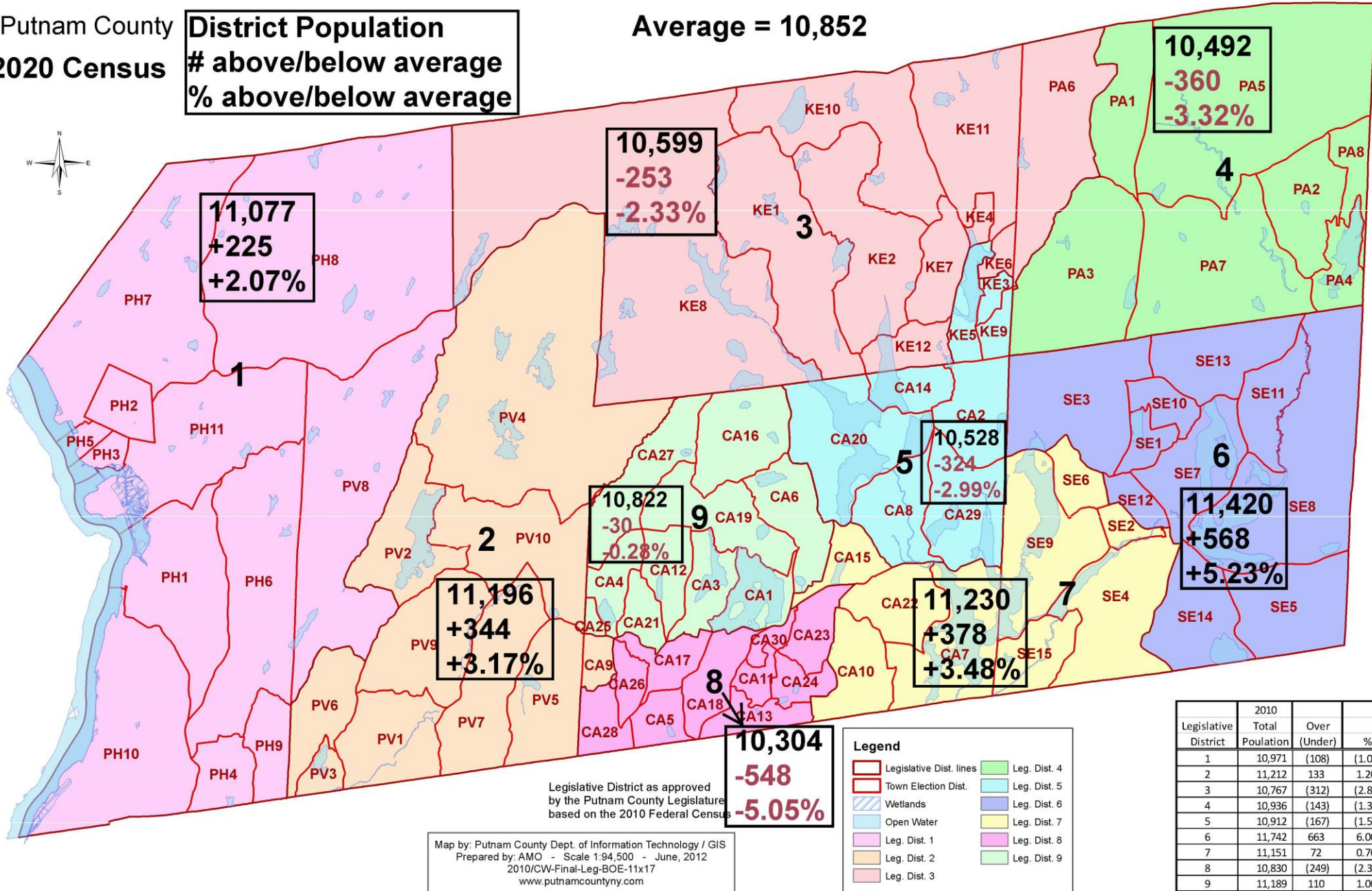
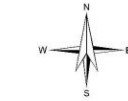
Greatest “under” district: 5.05%



Putnam County
2020 Census

District Population
above/below average
% above/below average

Average = 10,852



Legislative District as approved
by the Putnam County Legislature
based on the 2010 Federal Census

Map by: Putnam County Dept. of Information Technology / GIS
Prepared by: AMO - Scale 1:94,500 - June, 2012
2010/CW-Final-Leg-BOE-11x17
www.putnamcountyny.com

Legend

Legislative Dist. lines	Leg. Dist. 4
Town Election Dist.	Leg. Dist. 5
Wetlands	Leg. Dist. 6
Open Water	Leg. Dist. 7
Leg. Dist. 1	Leg. Dist. 8
Leg. Dist. 2	Leg. Dist. 9
Leg. Dist. 3	

Legislative District	2010 Total Population	Over (Under)	%
1	10,971	(108)	(1.00)
2	11,212	133	1.20
3	10,767	(312)	(2.80)
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Putnam County
2020 Census

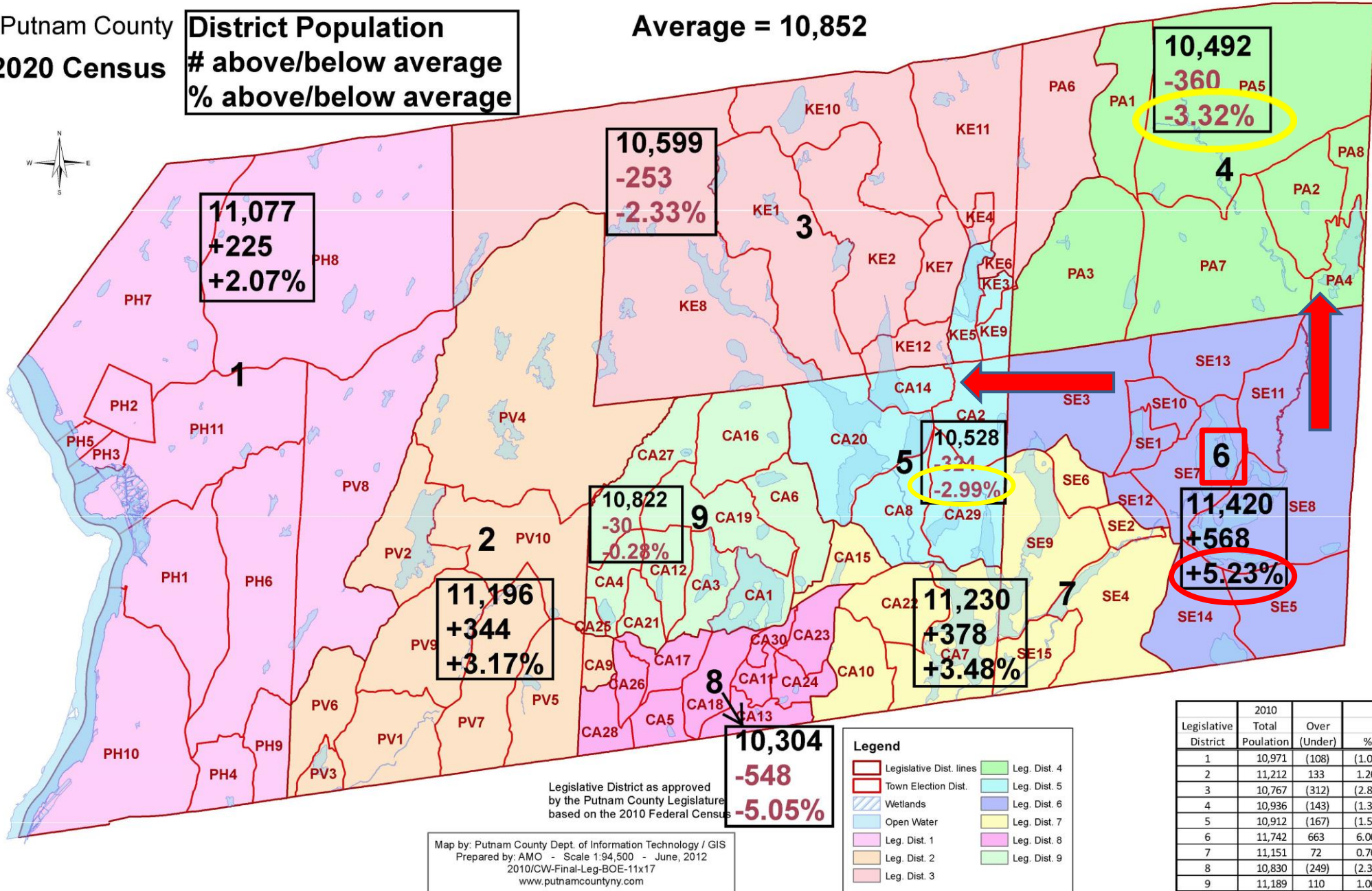
District Population
above/below average
% above/below average

Average = 10,852

21

**Hypothetical
Reallocation
#1**

Transfer from:
District 6
to
District 4
and/or
District 5



11,077
+225
+2.07%

10,599
-253
-2.33%

10,492
-360
-3.32%

10,822
-30
-0.28%

10,528
224
-2.99%

11,420
+568
+5.23%

11,196
+344
+3.17%

11,230
+378
+3.48%

10,304
-548
-5.05%

Legislative District as approved
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Legend

- Legislative Dist. lines
- Town Election Dist.
- Wetlands
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- Leg. Dist. 6
- Leg. Dist. 7
- Leg. Dist. 8
- Leg. Dist. 9

Putnam County
2020 Census

District Population
above/below average
% above/below average

Average = 10,852

22

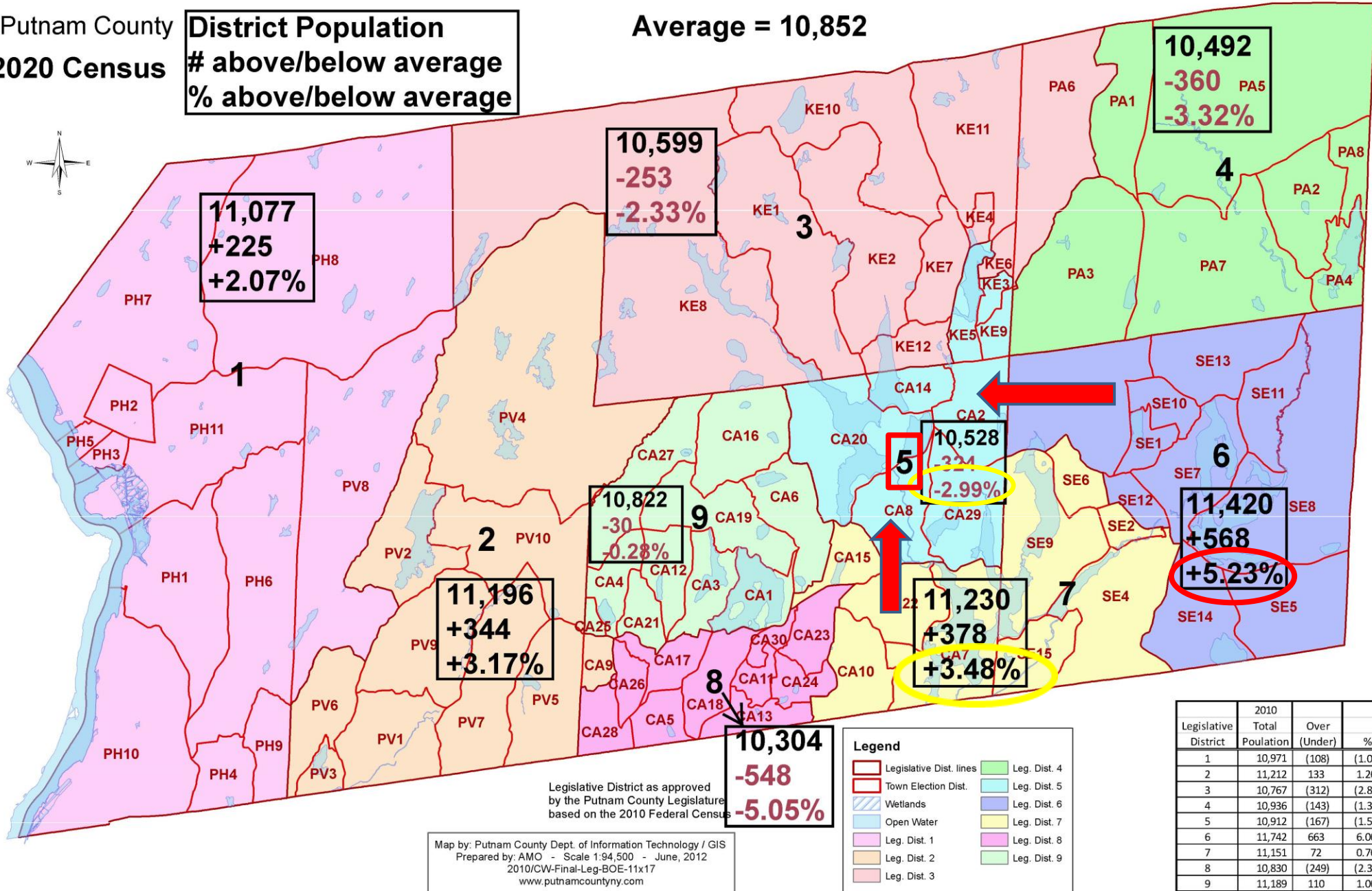
**Hypothetical
Reallocation
#2**

Transfer from:

District 6
and/or
District 7

to

District 5



Map by: Putnam County Dept. of Information Technology / GIS
Prepared by: AMO - Scale 1:94,500 - June, 2012
2010/CW-Final-Leg-BOE-11x17
www.putnamcountyny.com

Legend

- Legislative Dist. lines
- Town Election Dist.
- Wetlands
- Open Water
- Leg. Dist. 1
- Leg. Dist. 2
- Leg. Dist. 3
- Leg. Dist. 4
- Leg. Dist. 5
- Leg. Dist. 6
- Leg. Dist. 7
- Leg. Dist. 8
- Leg. Dist. 9

Legislative District as approved by the Putnam County Legislature based on the 2010 Federal Census

Putnam County
2020 Census

District Population
above/below average
% above/below average

Average = 10,852

23

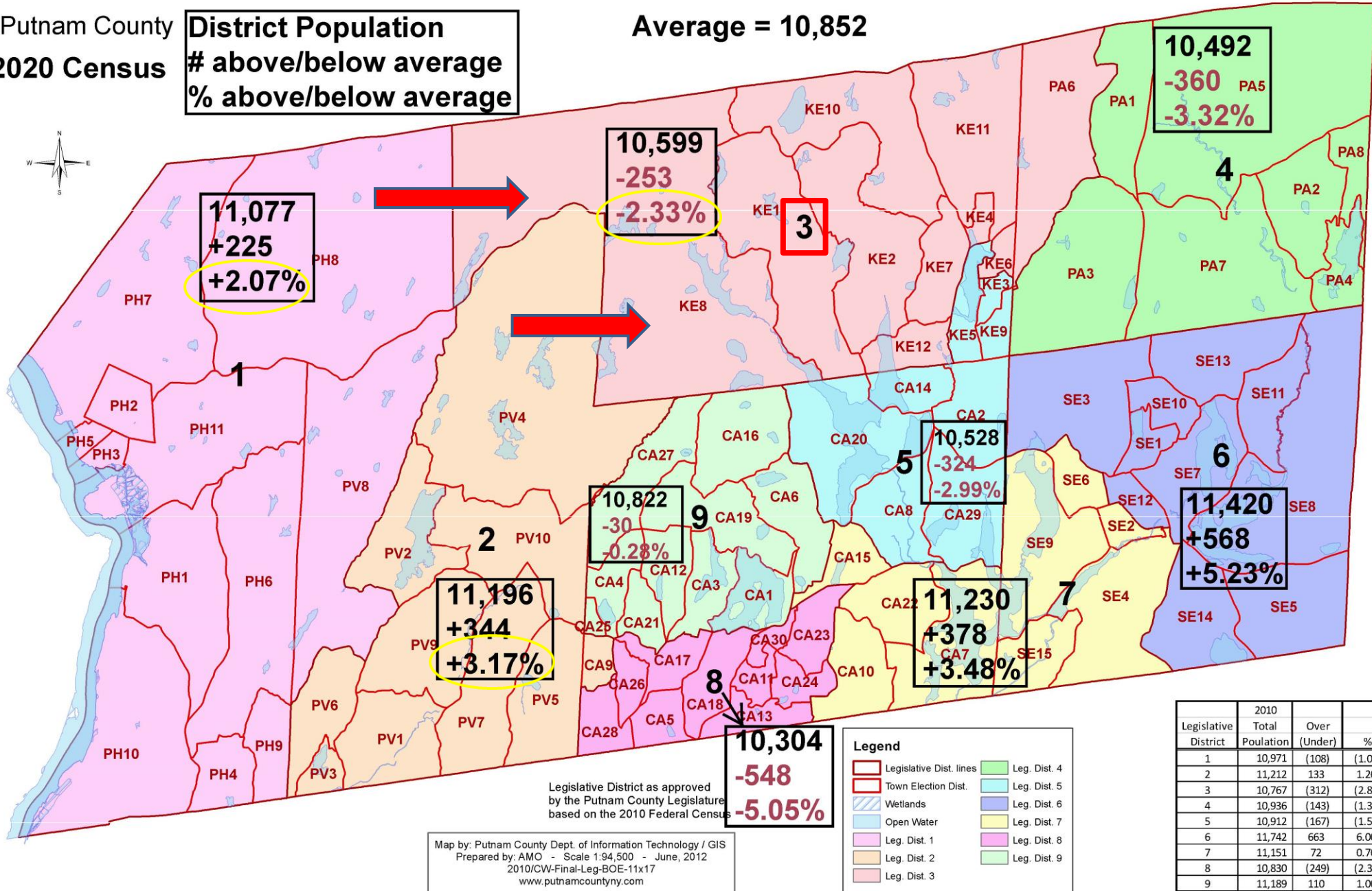
**Hypothetical
Reallocation
#3**

Transfer
from:

District 1
and/or
District 2

to

District 3



Legislative District	2010 Total Population	Over (Under)	%
1	10,971	(108)	(1.00)
2	11,212	133	1.20
3	10,767	(312)	(2.80)
4	10,936	(143)	(1.30)
5	10,912	(167)	(1.50)
6	11,742	663	6.00
7	11,151	72	0.70
8	10,830	(249)	(2.30)
9	11,189	110	1.00

Putnam County
2020 Census

District Population
above/below average
% above/below average

Average = 10,852

24

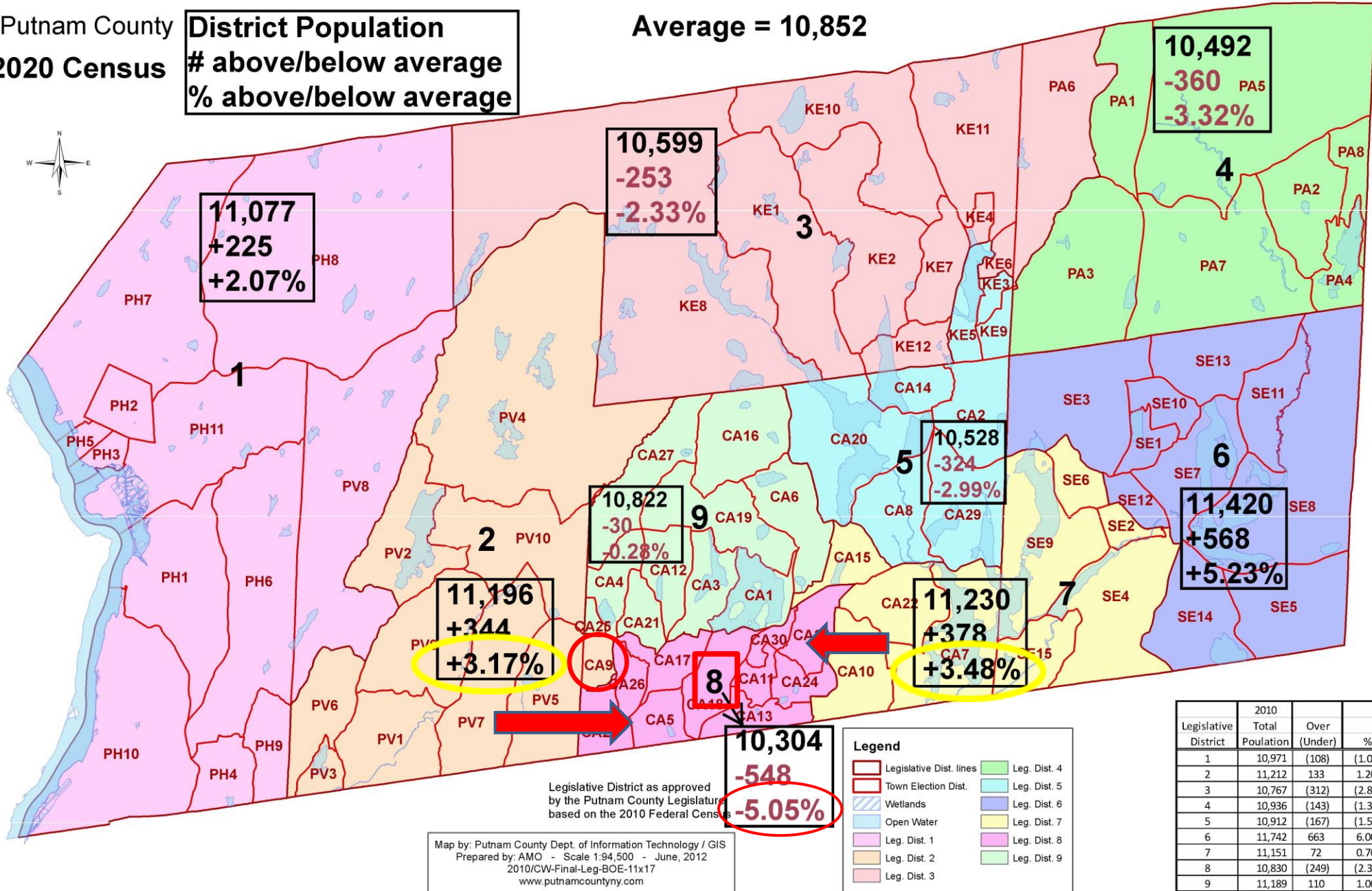
Hypothetical
Reallocation
#4

Transfer
from:

District 2
and/or
District 7

to

District 8



Legislative District as approved
by the Putnam County Legislature
based on the 2010 Federal Census

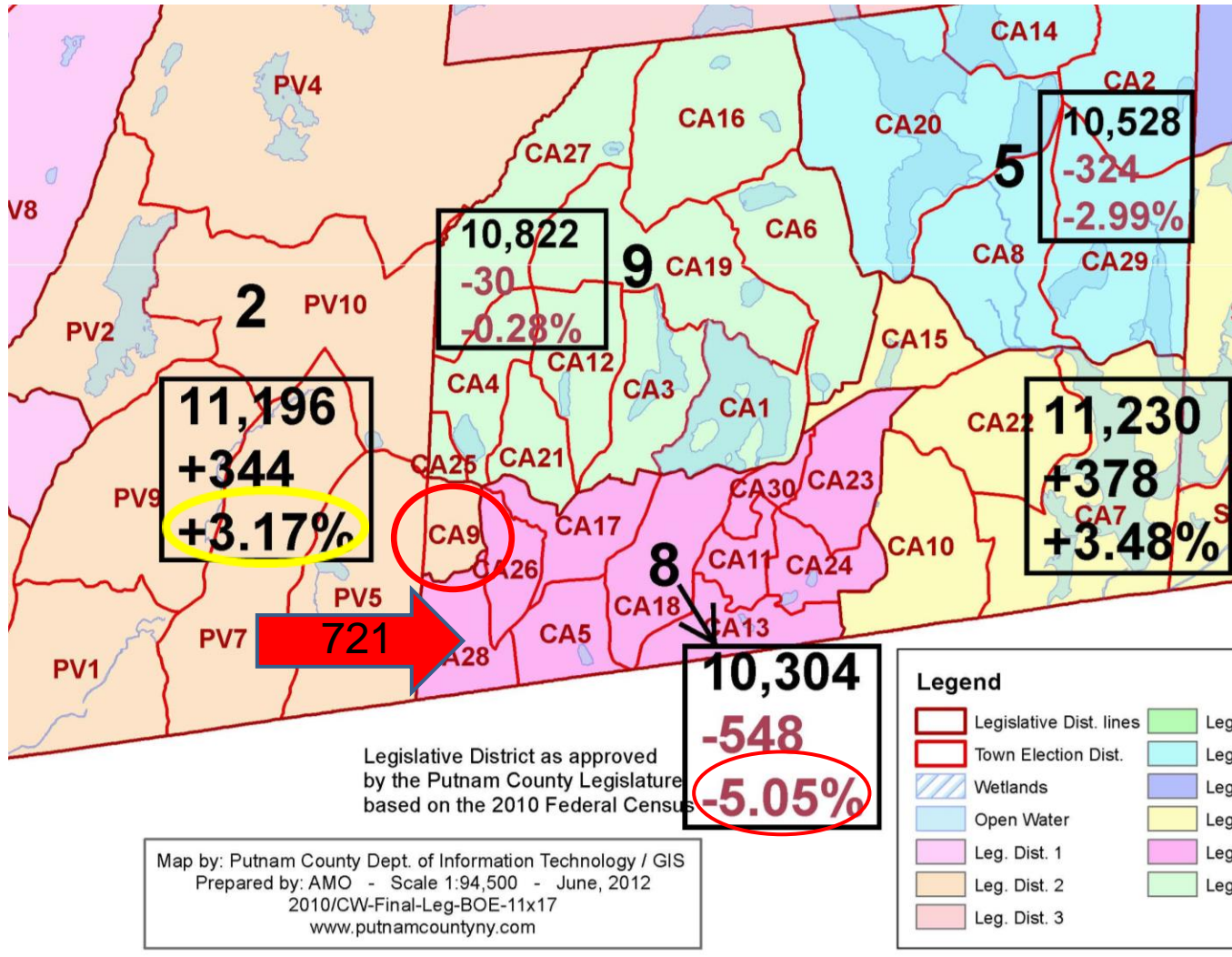
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9	11,189	110	1.00

Not As Simple As it Seems...



Hypothetical Reallocation #4

If CA9 is moved from District 2 to District 8 [using the 2010 population of 721, (*which has likely changed!*)]:

District 2: 10,475 (-377, -3.47%)

District 8: 11,025 (+173, +1.59%)

Does it fail the "5% Test"?

Yes! (3.47% + 1.59% = 5.06%)

Does that leave District 2 too small?

Yes. (Below the desired 2.5% variation)

What if we give from District 1 to 2?

The Bottom Line:

- ***Compliance with the new statutory 5% Rule will not be easy!***
 - Required reallocation will effectively require no more than a **2.5%** population deviation from the average (i.e., **271**) in all nine districts.
 - Communities of interest may have to be split
 - Election Districts likely to have to be redrawn and/or increased in number to have smaller populations that can be moved more easily
 - If the law is challenged and invalidated, the old 10% Rule is still binding law – redistricting still necessary but much simpler



LD1 EDs	2010 Pop	2020 Pop (est.)	Change
PH1	762	754	-8
PH2	628	624	-4
PH3	1,082	1,075	-7
PH4	1,018	1,030	+12
PH5	931	911	-20
PH6	990	970	-20
PH7	1,027	1,074	+47
PH8	1,190	1,282	+92
PH9	912	815	-97
PH10	493	580	+87
PH11	629	700	+71
PV8	1,309	1,246	-63
TOTAL	10,971	11,061	+90

Legislative District #1 ED Changes 2010 to 2020

(using refined data from Putnam IT/GIS)

Note: LD1 total population count decreased by 16 (to 11,061 from the preliminary 11,077) after IT/GIS analyzed each ED using the 2020 Census Blocks.

Every ED in the other 8 LDs will have to be analyzed by 2020 Census Blocks to similarly refine the numbers. Assistance by an outside consultant may be needed to assist or verify the numbers.



Your Questions

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Altieri
& Firriolo PLLC
Attorneys at Law