

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 107 of the Laws of Westchester County to modify the length of terms for Westchester County Legislator.”

The proposed Local Law amends the Laws of Westchester County to increase the term of County Legislator from two years to four years, and concomitantly modifies the terms limits for County Legislator to be consistent with the new term length.

Your Committee is aware elections are expensive, both for candidates and for government agencies responsible for organizing them. The cost of administering elections and running for office continues to increase. Reducing the frequency of elections will save public funds. Additionally, less frequent elections will result in less campaigning, thereby reducing the overall amount of campaign mail, phone calls, and other forms of messaging received by county residents.

Your Committee is further aware, the competitive pressures of campaigning every two-years requires regular fundraising. The ever-increasing cost of campaigning magnifies the influence of big dollar donors, special interests, and other entities that can spend large amounts of money on political campaigns. A four-year term will enable Legislators to bring their best judgement to bear on important questions of public policy without the financial pressures that come with bi-annual campaigning.

Your Committee further finds that a four-year term will enable County Legislators to

oversee the implementation of their enacted policies. This includes ensuring county funds secured for a specific project are used in a timely fashion and for their intended purpose.

Your Committee believes that the current two-year term does not allow sufficient time to ensure increasingly complex problems are addressed with meaningful legislative action. To craft meaningful legislation, Legislators must be familiar with a wide breadth of fact, nuanced and varied opinions, technical variables, and have a robust understanding of the relationship between the county and every other level of government. As such, a single legislative proposal can take several months or even years to develop. A four-year term would provide Legislators with more time to acquire the experience and expertise needed to meaningfully address issues through legislative action.

Your Committee notes that, earlier this year, this Honorable Board enacted Local Law 1-2024, which modified Chapter 107 of the Laws of Westchester County in order to effectuate Section 3 of Chapter 741 of the 2023 Laws of the State of New York (“the State Enactment”). The State Enactment moves elections for, *inter alia*, County Legislator to even years by shortening a single term. Your Committee is aware that various municipalities are challenging the legality of the State Enactment. Local Law 1-2024 is scheduled to take effect at the same time as the State Enactment, which is currently scheduled to take effect on January 1, 2025. Your Committee is aware that there are legal challenges to the State Enactment in New York State Supreme Court. Your Committee recognizes that the course and timing of the legal challenges to the State Enactment are unknown, and it is possible that the State Enactment may be invalidated by the court or the effective date of the State Enactment, and thus Local Law 1-2024, may be delayed.

As such, the enclosed Local Law both modifies Chapter 107 as it currently reads, and Chapter 107 as it would read after Local Law 1-2024 goes into effect. The purpose for this dual modification is to ensure that the voters, who have to approve this law at a mandatory referendum, only need to pass on the question of four-year terms once, and that their voice is heard whether the State Enactment goes into effect or not.

Section 1 of the enclosed Local Law sets forth the Legislative Purpose and Intent of the Local Law. Your Committee understands that this section is included so that, if there were any questions or challenges to the law, there would be a clear statement of the purpose to help guide interpretation.

Sections 2 and 3 of the enclosed Local Law amend Chapter 107 as it currently reads, to provide for four-year terms for County Legislators. To effectuate this change, the sections identify that elections would take place in the year following the presidential election, the same as the County Executive. They further modify the term limits for County Legislator from “six consecutive two-year terms” (*i.e.*, twelve consecutive years), to “twelve consecutive years,” which keeps the same limit but accommodates both two- and four-year terms. Additionally, because the change from two- to four-year terms results in certain edge cases where an individual legislator would reach twelve years in the middle of a four-year term, the legislation addresses that situation.

Sections 4 through 6 of the enclosed Local Law amend Local Law 1-2024. If and when the State Enactment goes into effect, Chapter 107 would be modified to move elections from odd years to even years. The State Enactment accomplishes this by shortening a single term by one year, which would result in the subsequent election being on an even year cycle. If this Local Law

goes into effect, and the State Enactment goes into effect, that would mean that a four-year term would be shortened to three years, and County Legislator elections would be held in the year of the presidential elections, instead of the year following. Given the current legal challenges to the State Enactment, it is unclear exactly when the State Enactment will go into effect; therefore, the enclosed Local Law also adds additional clarification to ensure that it is clear that the provisions of Local Law 1-2024 only go into effect after the State Enactment does.

As noted, in order for this Honorable Board to change the length of terms for County Legislators, a mandatory referendum is required, and is provided for in Section 7 of the enclosed Local Law. To avoid putting the question before the voters multiple times, and to ensure that the votes of the electorate count, regardless of whether the State Enactment takes effect, the enclosed Local Law addresses both scenarios, by amending both the law as currently in effect and the law as it would be in effect if the State Enactment becomes operative. Further to that point, Section 8 of the enclosed Local Law directs a court to interpret the provisions of the Local Law liberally, and to consider them severable, if necessary, to effectuate the will of the voters.

Finally, Section 9 makes the enclosed Local Law effective immediately upon approval by the voters at the referendum. Thus, if approved, Chapter 107 is immediately amended by Sections 2 and 3 of the Local Law, and Local Law 1-2024 is amended by Sections 4 through 6. The effective date of Local Law 1-2024 is not modified, and it does not go into effect unless and until the State Enactment goes into effect, or the effective dates of the specific provisions of Local Law 1-2024, whichever is later.

Your Committee is informed that the proposed legislation does not meet the definition of

an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law.

Dated: 2024
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ – 2024

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2024, entitled “A LOCAL LAW amending Chapter 107 of the Laws of Westchester County to modify the length of terms for Westchester County Legislator.” The public hearing will be held at __.m. on the _____ day of _____, 2024 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.