

RESOLUTION NO. 110-2024

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. 307 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 7:30 p.m. on the 17 day of June, 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.

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. 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, during the transition from two- to four-year terms, where an individual legislator would reach twelve consecutive years in the middle of a four-year term, the legislation permits the completion of the term.

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: June 3 2024
White Plains, New York

Margaret A. Gio



Benjamin Bogdanoff

Vedat Jashi



COMMITTEE ON
Legislation

Dated: June 3, 2024

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Emiliana May

David Quinn

COMMITTEE ON

Legislation

FISCAL IMPACT STATEMENT

SUBJECT: Local Law to modify terms of County L NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: Local Law amending Chapter 107 of the Laws of Westchester County to modify the term of Westchester County Legislators from two years to four years, and concomitantly modifies the term limits for County Legislators to be consistent with the new term length.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Roberto Nascimento

Title: Senior Budget Analyst

Department: Budget

Date: June 3, 2024

Reviewed By: Mark Medwid
Budget Director

Date: June 3, 2024

A Local Law amending Chapter 107 of the Laws of Westchester County to modify the length of terms for Westchester County Legislator

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Legislative Purpose and Intent. This Local Law is intended to extend the length of terms for the position of Westchester County Legislator, from two years to four years. This change, which is subject to approval of the voters at a referendum as set forth herein, is intended to take effect regardless of whether Section 3 of Chapter 741 of the 2023 Laws of the State of New York (“the State Enactment”) takes effect. This Local Law both modifies the language currently in effect in the Laws of Westchester County and the language contained in Local Law 1-2024, which implements the State Enactment, if and when the State Enactment goes into effect.

Section 2. Section 107.11 of the Laws of Westchester County, is hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. The term of office of members of the County Board shall be ~~two~~ four years and shall begin on the first day of January next following their election. Members of the County Board shall be known as County legislators and shall be County officers.
2. a. Whenever a vacancy in the office of County Legislator shall occur within a year in which there is no County-wide general election for the position of County Legislator, or on January 1 of a year in which there is a County-wide general election for the position of County Legislator, such office shall be filled for the remainder of the unexpired term at a special election in the legislative district of said vacated office, to be called by the County Board as soon as practicable and, in any event, to be held no later than 90 days from the date of such vacancy. Notice of a special election called hereunder shall be in the manner provided for in the Election Law for notice of a general election. To the maximum extent feasible, the provisions of the Election Law governing the conduct of a special election shall apply. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this law shall be borne by the County.

b. Whenever a vacancy in the office of County Legislator occurs after January 1 of a year in which there is a County-wide general election for the office of County Legislator such vacancy may be filled by an appointment made by the remaining members of the board of an individual otherwise qualified to hold such office. The appointee shall serve as County Legislator until an individual is certified by the Board of Elections to be County Legislator-elect for that legislative district as a result of the general election scheduled in November. Upon such certification, the County Legislator-elect shall take office and thereby shall replace the appointee, if any, for the remainder of the unexpired term. The determination of the Board of Legislators as to an appointee's qualification or forfeiture of office shall be conclusive.

3. Each County Legislator shall be entitled to one vote. Except as otherwise expressly provided in this act or in the Local Finance Law, action of the County Board shall be by a majority vote of all members of the board, provided that a vote to adjourn or to take action regarding the attendance of absent members may be taken by a majority of the members present.
4. No person shall serve as a member of the County Board for more than twelve consecutive years. ~~six consecutive two-year terms.~~ ~~The first year for any County Legislator for the purposes of calculating years as contained in this section shall commence on or after January 1, 2012.~~ No service for a partial term as a County Legislator shall be included in calculating the twelve consecutive years ~~six consecutive two-year terms.~~ For purposes of the transition from two-year terms to four-year terms, any person who begins a term having completed less than twelve consecutive years shall be entitled to serve out the remainder of that term.

Section 3. Subsection 5 of Section 107.31 of the Laws of Westchester County is hereby amended as follows:

5. County legislators shall be elected at the general election held the year following the presidential election. ~~in each odd-numbered year~~

Section 4. Section 1 of Local Law 1-2024 is amended to read as follows:

Effective the later of January 1, 2025 or the effective date of Section 3 of Chapter 741 of the 2023 Laws of the State of New York, Subsections 1 and 4 of Section 107.11 of the Laws of Westchester County ~~are~~ hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. Pursuant to Chapter 741 of the 2023 Laws of the State of

New York, the term of office of members of the County Board elected in the 2025 general election shall be three years ~~one year~~, and shall begin on the first day of January 2026 and end on December 31, 2028~~6~~. Members of the County Board shall be known as county legislators and shall be county officers.

...

4. No person shall serve as a member of the County Board for more than twelve consecutive years. ~~six consecutive two-year terms. The first year for any County Legislator for the purposes of calculating years as contained in this section shall commence on or after January 1, 2012.~~ No service for a partial term as a County Legislator shall be included in calculating the twelve consecutive years ~~six consecutive two-year terms.~~ Notwithstanding any law to the contrary, the three-year term commencing January 1, 2026 shall be included in calculating the twelve consecutive years. For purposes of the transition from two-year terms to four-year terms, and from odd-year to even-year elections, any person who begins a term having completed less than twelve consecutive years shall be entitled to serve out the remainder of that term.

Section 5. Section 2 of Local Law 1-2024 is amended to read as follows:

Effective the later of January 1, 2026 or the effective date of Section 3 of Chapter 741 of the 2023 Laws of the State of New York, Subsection 1 of Section 107.11 of the Laws of Westchester County is hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. The term of office of members of the County Board elected in the 2028~~6~~ general election, and for all general elections thereafter, shall be four ~~two~~ years, and shall begin on the first day of January next following their election. Members of the County Board shall be known as county legislators and shall be county officers.

Section 6. Section 3 of Local Law 1-2024 is amended to read as follows:

Effective the later of January 1, 2026 or the effective date of Section 3 of Chapter 741 of the 2023 Laws of the State of New York, Subsection 5 of Section 107.31 of the Laws of Westchester County is hereby amended as follows:

5. County legislators shall be elected at the general election held in the year of presidential election ~~each even-numbered year~~.

Section 7. Referendum. This Local Law is subject to a mandatory referendum and shall be presented at the general election to be held on November 5, 2024.

Section 8. Severability and Interpretation. This Local Law is intended to provide for four-year terms for the office of County Legislator, upon approval by the majority of voters at a mandatory referendum. To the extent that there is a challenge to this Local Law, or there are challenges to the State Enactment or other statutes that would affect this Local Law, provisions should be deemed severable and/or be interpreted liberally in order to effectuate the purpose and intent of this Local Law.

Section 9. Effective Date. If approved by a majority of the votes cast on the question of the approval or disapproval of this Local Law at the general election to be held on November 5, 2024, this Local Law shall take effect immediately. Nothing in this Local Law shall change the effective date of Local Law 1-2024. That Local Law—as amended by Sections 4 through 6 of this Local Law—shall take effect if and when the State Enactment takes effect.