

ACT 106 - 2023

BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the settlement of the lawsuit entitled *Guzman et al. v. County of Westchester et al.*, as set forth below.

This action challenges Local Law 18-2022, which enacted the Existing Redistricting Plan adopted by in December 2022. This action alleges that certain legislative districts enacted in the Existing Redistricting Plan violate certain rules set forth in sections 10 and 34 of the New York State Municipal Home Rule Law (“MHRL”).

Your Committee is informed that, prior to trial commencing in this matter, the parties engaged in extensive settlement negotiations to see if a resolution could be reached that, first and foremost, complied with and advanced the goals of the MHRL, and that would satisfy all the litigants in this action.

Your Committee is further informed that the proposed settlement would result in modifying the Existing Redistricting Plan. Specifically, the Proposed Modified Redistricting Plan makes changes to five districts—3, 5, 14, 15, and 17. The proposed changes improve the overall compliance with the MHRL and are therefore legally appropriate modifications.

Your Committee is aware that the proposed modifications are as follows: most of a single election district currently in District 5 will be moved to District 3. This change will reduce the population deviations of these districts from the ideal district, furthering the goals of the MHRL. No

other changes are being made to these two districts. Districts 14 and 15 will be swapping certain election districts in Yonkers and Mount Vernon. This will advance the MHRL by increasing core retention, removing a split of a municipal boundary, and ensuring compact districts. Further, a small portion of District 17 will be moved to District 14, in order to equalize population and increase compactness. Your Committee notes that greater detail and information can be found in the accompanying Local Law that would actually modify the districts.

Your Committee further notes that the proposed settlement also contains provisions that, if a future challenge is brought against the redistricting plan, no legislator will take a position against the adopted maps, which would alleviate any future cross-petitions regarding payment of counsel fees.

Your Committee is aware that the proposed settlement does not resolve the pending application by Legislators Cunzio and Nolan for attorneys' fees in this action. The County Attorney has informed your Committee that the question is fully briefed before the Supreme Court, and the settlement agreement allows the Court to make an ultimate determination on that question. The County Attorney has also stated that he is confident in the County's position on that matter, and does not believe that it should be an impediment to settlement.

Upon your Committee's review, the proposed modifications to the Existing Redistricting Plan appear to be fair, balanced, and in compliance with the requirements of the MHRL. Entering into this settlement would remove the risks and uncertainty inherent in going to trial, and we believe that it would be in the best interests of the County to enter into this settlement.

Your Committee further notes that the proposed settlement only requires this Board to consider the modifications to the Existing Redistricting Plan. If the Board ultimately does not decide to adopt those modifications, then the settlement would be rendered void and the matter would proceed. The Local Law submitted by the County Attorney contemporaneously with this Act would be required to finalize and fully effectuate the settlement.

The County Attorney has recommended that the County accept this settlement as a fair and equitable resolution of this action. Your Committee concurs with this recommendation and recommends that this Honorable Board adopt the proposed Act.

Dated: White Plains, New York
June 5, 2023

Margaret A. Cijio (WOP)
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Catherine Park
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COMMITTEE ON

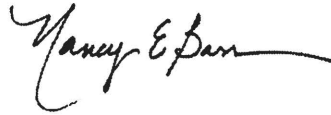
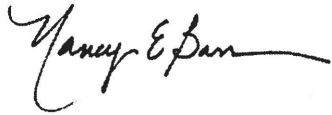
Legislation

Law & Major Contracts

Dated: June 5, 2023

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.



COMMITTEES ON

Legislation

Law & Major Contracts

ACT NO. 106 - 2023

AN ACT authorizing the County Attorney to settle the lawsuit of *Guzman et al. v. County of Westchester, et al.*, pending in the Supreme Court of the State of New York, Putnam County Index No. 500558/2023

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

Section 1. The County Attorney is hereby authorized to settle the lawsuit of *Guzman et al. v. County of Westchester, et al.*, pending in the Supreme Court of the State of New York, Putnam County Index No. 500558/2023, for terms that result in the dismissal of this action, other than an application for attorneys' fees by Respondents Cunzio and Nolan, if this Board adopts Local Law Intro. No. 2023-246.

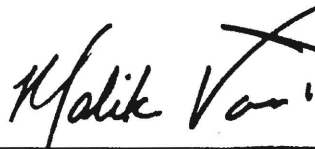
Section 2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purposes hereof.

Section 3. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 106 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 5, 2023, and approved by the County Executive on June 6, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 7th day of June, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

