APPENDIX A

LOCAL LAW NO. 8 FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO COMMISSIONS ON REDISTRICTING

Introduced: 05/31/18
By: Ms. Cunningham, Mr. Crouse, Ms. Willingham, Messrs. A. Joyce, Domalewicz, Fein, Higgins, Ms. Lekakis, Mr. O'Brien, Ms. Plotsky, Messrs. Simpson, Mayo, Reinhardt, Ms. McLean-Lane, Messrs. Bullock and R. Joyce

Statement of legislative findings and intent.

The Albany County Legislature hereby embraces the creation of the Albany County Commission on Redistricting, (the Commission) which will facilitate a non-partisan, independent, inclusive and participatory redistricting process for the County's legislative redistricting following the next federal census in 2020, and thereafter. Pursuant to law, the County's legislative districts must be adjusted in accordance with the relative population growth and shifts as indicated in the census to ensure that fair representation for each resident is maintained.

The legislative redistricting process shall be conducted by this independent Commission, which shall be adequately funded to carry out its responsibilities and to hire independent, expert professional staff. Further, the Legislature wishes to tap into the expertise of the newly established Albany County Legislature Black Caucus (adopted as Resolution 125 of 2018 by unanimous vote of the Albany County Legislature) to facilitate the creation of the Majority Minority District (MMD) Redistricting Subcommittee, with the purpose of assisting the Commission in providing a laser focus to ensure the fair representation of Albany County minority communities in all aspects of the redistricting process. It is the intent of the Legislature that the Commission and the MMD Redistricting Subcommittee shall work collaboratively, in tandem, with a high level of communication and interaction between the two bodies.

Neither the Commission's members nor the Members of the MMD Subcommittee shall include elected officials or party officers, family members, legislative staff, or candidates for elective office. The Commission shall be transparent, accountable and function independently, without the undue and improper influence of sitting elected officials and their representatives. The Commission's work shall be accomplished through a professional process that invites experts in the areas of redistricting, law, county geography and other important elements that are key to securing a credible, responsive, and accountable redistricting process and outcome.

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by deleting the existing Section 207 and adding a new Section 207 to read as follows:

Section 207. Commission on Redistricting.

A. A Commission on Redistricting (identified in this local law as "the Commission") shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be redistricted when required. Triggering events include but may not be limited to: 1) upon publication of the results of the federal decennial census for Albany County, 2) upon publication of census tracts and block statistics based upon any federal or special population census taken pursuant to Section 20 of General Municipal Law, and held not more than once every five (5) years, or (3) any annexation which has the effect of increasing or decreasing the population of any legislative district by more than 10 percent. This process shall be completed before the next county legislative election following the federal decennial census.

B. Commission Composition

1. The Commission shall consist of nine (9) members who are County residents, registered voters in New York State, but shall not have been in the last four years immediately preceding the creation of the Commission: 1.) a publicly elected official, which shall mean any individual elected to local, county, state or federal office, excluding school board members and library trustees, but including those elected as members of political parties; 2.) a state employee who serves as a political appointee or legislative employee; 3) a political party chairperson or officer. Further exclusions of individuals that may not serve on the Commission are fully identified in Section F.
2. The Commission Members shall be selected to reflect the diversity of the residents of this county with regard to race, ethnicity, gender, language, and geographic residence (including representative of rural/small communities). In selecting Commission Members, the Legislature shall consult with organizations devoted to protecting the voting rights of minority voters as recognized by the federal Voting Rights Act of 1965 (as amended). These requirements will ensure that the Commission's members

are both independent, representative of the County's diverse communities, and sensitive to the critical importance to voters of fair and proper district lines.

3. The Commission shall be constituted prior to the formation of the MMD Subcommittee.

C. Majority Minority District Redistricting Subcommittee – Intent and Functions

1. To ensure that the voting interests of minority residents and voters are adequately and appropriately incorporated into a redistricting proposal, a special Majority Minority District (MMD) Redistricting Subcommittee (identified further as the MMD Subcommittee) will be also established that will work collaboratively and in tandem with the Commission. The MMD Subcommittee will be created as a vital component of the Commission's work and efforts and shall make recommendations to the Commission regarding the configuration of minority districts, with the goal of protecting voting rights of minority residents and ensuring electoral representation of minority residents residing in MMDs. The unique focus of the MMD Subcommittee shall be to ensure the representation of Albany County minority communities in all aspects of the redistricting process.
2. The MMD Subcommittee shall have the authority and funds to contract its own outside legal/redistricting consultant.
3. The intent of the work of the MMD Subcommittee shall be to fully examine the issues unique to the MMD communities and their residents and shall be presented for inclusion into the final report of the Commission.

D. MMD Redistricting Subcommittee Composition, Appointment Process and Function

1. The MMD Subcommittee shall consist of seven (7) members who are representative of the minority communities. MMD Subcommittee Members shall be County residents, registered voters in New York State, but shall not have been in the last four years preceding the creation of the MMD Subcommittee: 1.) a publicly elected official, which shall mean any individual elected to local, county, state or federal office, excluding school board members and library trustees, but including those elected as members of political parties; 2.) a state employee who serves as a political appointee or legislative employee; 3) a political party chairperson or officer. Further exclusions of individuals that may not serve on the MMD Subcommittee are fully identified in Section F.
2. Appointments to the MMD Subcommittee may be made in the year of the census, after extensive, repeated solicitation by the Albany County

Legislature of potential appointees that are knowledgeable, capable, interested and experienced in the redistricting field. The Albany County Legislature shall use all communication means necessary to educate the public on the Commission and MMD Subcommittee process and need for appointees.

3. After a County-wide solicitation of potential appointees, the Chair of the LBC shall make advisory recommendations to the Chair and Members of the Commission regarding qualified candidates to serve on the MMD Subcommittee. The Commission Members, by a majority vote, appoint three (3) representatives who shall serve on the MMD Subcommittee. Subsequently, those Members, after examining the recommendations of the Chair of the LBC, shall select the remaining members of the MMD Subcommittee, by a majority vote. The MMD Subcommittee shall select its own leadership by voting on a Chairperson at its first meeting.
4. The MMD Subcommittee will be required to hold its own hearings and public forums to collect and consider the inputs from impacted communities, as well as the county communities at large. The subsequent work products of the MMD subcommittee, including the drawing of the maps of the MMD districts, shall be presented for inclusion into the final report of the Commission. The Commission shall, upon the receipt of the report from the MMD, reflect its consideration and prepare a written report to the Legislature that documents its consideration of the recommendations of the MMD Subcommittee prior to the submission of the final report to the Legislature for vote. Should the Commission elect to exclude material elements and recommendations of the MMD Subcommittee's report and work product, it shall provide a detailed justification and rationale regarding its decision, which shall be part of the official record of the Commission and its deliberations.

E. Commission Membership and Process

1. In the year of the census, the Albany County Legislature shall solicit interest widely throughout Albany County for knowledgeable, interested and capable individuals to serve on the Commission. To encourage interest of the widest possible pool of qualified and knowledgeable individuals, the County Legislature shall regularly use all communication means necessary to solicit interest in serving on the Commission and the MMD Redistricting Subcommittee. Interested individuals shall provide to a designated County email or mailing address information that shall include but not be limited to: resume, credentials, any relevant expertise in the redistricting and legal fields, community background and experience and other important information regarding the individual's capacity and interest in serving on the Commission.

2. It is the intent of the Legislature that because the Commission appointees will reflect a cross section of backgrounds, expertise, interests and credentials, a broad solicitation of diverse individuals is required. The members of the Commission shall reflect the diversity of the residents of Albany County with respect to socio-economic status, race, ethnicity, gender, sexual orientation, and geographic residence, including the representation of rural and small communities.

F. Commission Independence

1. To further ensure that the Commission's Members adhere to the highest ethical standards, the following individuals shall not be eligible to serve:

a. Within the four years immediately preceding the creation of the Commission, or any subsequent Commissions under this law, or through their term of service on the Commission, neither the applicant, nor a member of his or her immediate family, may have done any of the following:

(i) Been appointed to, elected to, or have been a candidate for federal, state, county, or local office, excluding school board members, library trustees, and fire commissioners;

(ii) Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal, state, county, or local office;

(iii) Served as a paid Congressional or State political appointee or employee of the State Legislature;

(iv) Been an Albany County employee, or paid consultant;

(v) Serve as a registered lobbyist in the State of New York.

b. Staff and consultants to, persons under a contract with, or any person with an immediate family relationship with any county or publicly elected official, excluding school board members, library trustees and fire commissioners, are not eligible to serve as commission members. As used in this subdivision, a member of a person's "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including spouse, parents, children, siblings, and in-laws.

G. Timing of Commission Appointments

1. All appointments to the Commission or the MMD Redistricting Subcommittee may be made in the year of the census, after extensive solicitation of appointees that are expert, knowledgeable and experienced in the redistricting field. Initial appointments to the Commission from the pool of interested parties gathered in this manner

shall represent various geographic areas of the County and must be made by the time the census data becomes available. The 9 (nine) Appointments shall be made to the Commission in the following manner: The Majority Leader, Minority Leader, Chairperson of the Legislature, Chairperson of the Legislative Black Caucus shall each make one (1) appointment to the Commission (comporting with the other exclusions contained in this local law). These four (4) individuals shall make the remaining five (5) appointments to the Commission (also comporting with other exclusions of this local law). In making the five (5) appointments, the four (4) Commission Members shall make every effort to reach consensus on each Commission selection, but selections shall be made by majority vote. The Commission shall select its own leadership by voting on a Chairperson at its first meeting, from among the five (5) independently selected Commission Members.

2. Vacancies in the membership of the Commission shall be filled within thirty days (30) by a manner determined by the remaining Commission Members.

H. Request for Proposal Process

1. The Commission and MMD Subcommittee shall expeditiously issue two (2) Requests for Proposals (RFPs) for map drawing services, one for Majority Minority districts (MMD) and the other for the entirety of Albany County. Together with the Albany County Division of Purchasing, the Committee and Subcommittee shall be empowered to create and draft RFP's consistent with Article 13 of the Albany County Charter, the Albany County Procurement Policy, and any relevant state or federal laws. Both RFPs (the Commission and the MMD Subcommittee) shall be evaluated based on their ability to produce maps and supporting data, and engage in publicly informed and participatory processes that eventually produce successfully drawn maps that reflect the goals identified in Section I. Out of the RFP Process, the selected entities shall provide map drawing expert resources, modeling of districts, data-driven analysis that shall assist the Commission and MMD Subcommittee in fully understanding and determining the impact of the redistricting process.

I. Compliance and Adherence with Appropriate Federal Laws and Equal Representation Goals

1. The Commission, the MMD Redistricting Subcommittee, staff and the consultant(s) hired under the RFP shall comply with the requirements of 52 U.S.C. 1001 (Section 2 of the Voting Rights Act of 1965) and in all subsequent relevant statutes and case law.

2. The Commission and the MMD Subcommittee shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider include, but shall not be limited to:

   a. whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice;
   b. shall minimize population variance, to the extent practicable, among districts in accordance with federal law, but in no instance shall a district's population exceed 105% or be less than 95% of the ideal district size;
   c. each district shall consist of contiguous territory;
   d. each district shall be as compact in form as practicable;
   e. districts shall be consistent with existing municipal and rural boundaries, and neighborhoods within Albany County; and balance and reasonableness for the diversity of citizens residing in all parts of the County;
   f. the places of residences of incumbents or candidates shall not be identified or considered;
   g. party registration shall be excluded from all phases of the mapping process but may be used to test maps for compliance with the above goals with party voting history and participation included.

J. Commission and MMD Subcommittee Appropriations, Staffing and Operations:

1. In the fiscal year prior to the establishment of the Commission, the Legislature shall appropriate funding for all aspects of the activities of the Commission and the MMD Subcommittee. These funds shall provide for all expenses of the work of the Commission and MMD Subcommittee, funds for the compensation of consultants, members and staff, as well as funding for any duties that the County Legislature shall deem necessary to facilitate the performance of the Commission and MMD Subcommittee's duties identified in this Local Law. The Commission and MMD Subcommittee shall establish clear criteria for the securing and overseeing of staff and consultants, communications protocols and processes, and a code of conduct. The Commission shall apply the conflicts

of interest listed in subdivision F to the hiring of staff to the extent practicable. The Commission shall require that legal counsel hired by the Commission have demonstrated and extensive experience and expertise in redistricting processes, and in the implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).

2. Commission and MMD Subcommittee members and staff shall exercise the highest standards of conduct, and disclose to Commission/MMD Subcommittee colleagues substantive communications with elected officials, staff and other public officials that occur outside public hearings or meetings of the Commission and MMD Subcommittee.
3. The Commission and the MMD Subcommittee will work in a process that allows for timely input from the County Legislature and its members and allows for the maximum amount of public participation, engagement, and comment. The Commission and the MMD Subcommittee will be committed to full transparency and accountability including the timely posting of its meetings, agendas, minutes, data and any relevant reports or information that is included in the body of work of the Commission and the MMD Redistricting Subcommittee.
4. All meeting minutes, notes, documents, reports, and any work product of the Commission and MMD Subcommittee shall be maintained and preserved as official documents of the redistricting process and housed by the Office of the Clerk of the Albany County Legislature. The Commission and MMD Subcommittee will work collaboratively and closely together, with full discussion and dialogue taking place between the two structures. The Commission and MMD shall have the authority to solicit information and expert opinion from government agencies and staff as they see fit.

K. Commission and MMD Redistricting Subcommittee Hearings/Public Comment Periods and Public Access to Information:
   1. During the preparation of the redistricting plan, the Commission working closely and in collaboration with the MMD Subcommittee shall conduct not less than four (4) public hearings throughout the County. The MMD Subcommittee shall be empowered to hold its own public hearings for additional community input. These public hearings shall be publicized widely, with ample notice to ensure the maximum level of citizen participation and engagement. The purpose of the public hearing process is to promote a high level of understanding of the process and its implications to the public, to provide expert presentations and access to Commission and MMD leaders, staff and consultants, allow for ample public comment, and to communicate the process of the redistricting process to the public. All public hearings should be publicized and information about the meetings should be widely disseminated. The Albany County website shall be the venue for the collection of all information regarding the work of the

Commission and MMD Subcommittee.

2. The Commission and the MMD Subcommittee shall make available to the public, on the Albany County website and through electronic media efforts, any draft redistricting plans and concepts, relevant data, and related information. Such plans, data, and information shall be in a form that allows and facilitates their use by the public to review, analyze, and comment upon such plans. The Commission can adjust its redistricting outline based on input received from the public. Prior to the final redistricting plan being presented for adoption by the Legislature, the Commission shall conduct a final public hearing to ensure that the residents of Albany County have ample opportunity to understand, provide comment and feedback on the final report. The Commission shall report the findings of all public hearings in a written report to the legislature upon submission of the final redistricting plan.

L. Final Report of the Commission
1. The Commission shall submit its final report in the form of a proposed local law to the Clerk of the County Legislature within thirty (30) days after the final report is completed for distribution to the members of the Legislature. This report, and any and all subsequent changes to it, will be part of the official public records of the Commission's work and available on the designated webpage of the Albany County website.
2. No later than 30 days after receiving the final report, the Chairperson of the County Legislature shall submit to the County Legislature, the Commission's final redistricting report in the form of a proposed local law, for consideration by the full Legislature. No later than sixty (60) days after its submission by the Chairperson, the proposed local law shall be forwarded to the full legislature for consideration. The County Legislature may then by a majority vote of the whole number of its members choose to adopt such proposed local law on legislative districts. If such proposed local law is not adopted, the Commission shall be empowered to continue its work through subsequent amendment processes to ensure legislative passage and enactment in a timely manner. The Commission shall submit a revised report to the Legislature no later than sixty (60) days after the proposed local law has been returned to it. The Legislature may provide feedback and recommendations to the Commission in order to assist the Commission in providing an updated redistricting report. The Commission shall call another public hearing if the modifications are considered to be (by Commission Members) of a significant or material nature. The revised report shall be submitted and subsequently introduced in accordance with the requirements of Section L (1) and (2) respectively. The County Legislature shall consider the recommendations included in any updated

report.

3. The County Legislature, in applying its responsibility for redistricting, will ensure that the federal requirement of one person, one vote is achieved with the redistricting plan outlined in this Local Law.
4. The County Executive may either approve or veto the legislation. If vetoed, the Executive shall prepare and submit in writing to the Legislature and the Commission, his or her rationale for vetoing the final redistricting report. This will become part of the public record of the Commission's deliberations. The Legislature may either override the veto or request the Commission continue its deliberations to provide the Legislature with another redistricting plan, which shall be considered by the Legislature as outlined in Section
5. The Commission and its MMD Subcommittee shall be discharged upon the successful conclusion of the Albany County redistricting process.

M. Effective Date

1. This Local Law shall take effective immediately upon filing with the Secretary of State. Pursuant to Municipal Home Rule Law Section 33, this Local Law, amending the present Albany County Charter shall not become operative unless and until this Local Law is approved by the duly qualified voters of Albany County in the manner prescribed by law at the general election of November 5, 2019.

On long roll call vote the following members voted in favor: Messrs. Beston, Bullock, Cahill, Ms. Chapman, Messrs. Clay, Commisso, Ms. Cunningham, Messrs. Dawson, Ethier, Feeney, Fein, Frainier, Higgins, A. Joyce, R. Joyce, Ms. Lekakis, Mr. Mayo, Mss. McKnight, McLean Lane, Messrs. Miller, O'Brien, Ms. Plotsky, Messrs. Reinhardt, Simpson, Smith, Touchette, Ward and Ms. Willingham – 28

Those opposed: Messrs. Burgdorf, Domalewicz, Drake, Grimm, Hogan, Mauriello, Mendick, Stevens and Tunny – 9

Local Law was adopted – 5/13/19

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 13th day of May, 2019, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.

IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 15th day of May, 2019.

Clerk, Albany County Legislature