


Introduced by: Presiding Officer Richard J. Nicoletto

LOCAL LAW 2 -2022

A LOCAL LAW RELATING TO THE READJUSTMENT OR ALTERATION OF COUNTY LEGISLATIVE DISTRICTS SUBSEQUENT TO THE DECENNIAL FEDERAL CENSUS OF 2020

APPROVED AS TO FORM

Majority Counsel

Passed by the Nassau County Legislature on February 7, 2022
Voting: Ayes: 12, Nays: 0, Abstained: 7
Became a law on February 10, 2022 with the approval of the Deputy County Executive acting on behalf of the County Executive

WHEREAS, sections 112, 113, and 114 of the County Government Law of Nassau County set forth the procedure for mandatory redistricting with respect to the Nassau County's nineteen legislative districts to comply with legal and constitutional requirements to ensure equal representation in the Nassau County Legislature of the residents of Nassau County; and

WHEREAS, section 112 of the County Government Law of Nassau County requires that the nineteen legislative districts be based upon new census data; and

WHEREAS, in light of the COVID-19 outbreak, the U.S. Census Bureau has adjusted its 2020 Census Operations in order to protect the health and safety of the American public and Census Bureau employees, implement guidance from Federal, State, and local authorities regarding COVID-19, and ensure a complete and accurate count of all communities; and

WHEREAS, the adjustment to the 2020 Census Operations caused the United States Census Bureau to release the results of the 2020 census for the County of Nassau on August 12, 2021; and

WHEREAS, section 112 of the County Government Law of Nassau County requires this Legislature to adopt a local law describing the nineteen county legislative districts within six months after public announcement of the enumeration of the inhabitants of Nassau County in the decennial federal census; and

WHEREAS, the public announcement of the enumeration of the inhabitants of Nassau County in the decennial federal census occurred on August 12, 2021; and

WHEREAS, pursuant to section 112 of the County Government Law of Nassau County, the Legislature must adopt a local law describing the nineteen county legislative districts by February 12, 2022, the date that is six months after public announcement of the enumeration of the inhabitants of Nassau County in the decennial federal census; and

WHEREAS, in *Yatauro, et. al. v. Mangano, et. al.*, the Court of Appeals of the State of New York declared that section 112 of the County Government Law of Nassau County serves as the initial step of an integrated redistricting process that includes consideration of the recommendations of a temporary districting advisory commission with public input pursuant to section 113 of the County Government Law of Nassau County and culminates in the adoption of a redistricting plan pursuant to the provision of section 114 of the County Government Law of Nassau County; and

WHEREAS, in 2001, pursuant to §112 of the County Government Law of Nassau County, the Legislature adopted Local Law 15-2001, which retained the metes and bounds description of the nineteen legislative districts; and

WHEREAS, in accordance with *Yatauro, et. al. v. Mangano, et. al.* and consistent with the practice established by this Legislature in 2001, this Legislature shall (i) complete the initial step of the redistricting process pursuant to § 112 of the County Government Law of Nassau, (ii) retain the existing metes and bounds description of the nineteen legislative districts, (iii) establish a temporary districting advisory commission as required by § 113 of the County Government Law of Nassau County and (iv) pursuant to § 114 of the County Government Law of Nassau County, adopt a final plan for the redistricting of the County Legislature that shall meet all constitutional and statutory requirements; NOW THEREFORE

BE IT ENACTED by the County Legislature of Nassau County as follows:

Section 1. The Preamble and introductory language set forth above are hereby incorporated into the body of this Local Law with the same force and effect as if more fully set forth at length herein.

§2. This Local Law is hereby declared to be the initial step of the redistricting process pursuant to § 112 of the County Government Law of Nassau.

§3. Annex A of the County Government Law of Nassau County, as created by Local Law 11-1994 and as last amended by Local Law 2-2013, is hereby amended to include the following: The metes and bounds described herein shall be subject to further readjustment and alteration as may be necessary to comply with the legal and constitutional requirements for equal representation in the County Legislature for the residents of Nassau County. Before adopting a final plan for

redistricting, the County Legislature shall follow the procedures set forth in §§ 113 and 114 of the County Government Law of Nassau County.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§ 5. State Environmental Quality Review Act Determination. It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environmental and that no further environmental review or action is required.

§ 6. This Local Law shall take effect immediately.

APPROVED


County Executive

Date _____

Chief Deputy County Executive
Executive