



Committee on Appointments

~AGENDA~

Monday, March 9, 2020

4:00 PM

Committee Chair: Ruth Walter

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

MINUTES APPROVAL

1. Monday, March 02, 2020 at 1:02 PM
2. Monday, March 02, 2020 at 4:00 PM

I. ITEMS FOR DISCUSSION

1. **(ID # 12388) Resolution – APPT-Police Board-Bracco:**

A RESOLUTION appointing Carola Otero Bracco as a member of the Westchester County Police Board for the term January 8, 2020 to December 31, 2022.

Interview at 4:00pm

2. **(ID # 12339) Resolution – APPT-Probation Advisory Board-Jones:**

A RESOLUTION (resubmitted) appointing Brooke Jones as a member of the Westchester County Probation Advisory Board for the term January 24, 2019 to December 31, 2021.

Interview at 4:15pm

3. **(ID # 12416) Local Law – LEGISLATORS BOYKIN, SHIMSKY, L. WILLIAMS, A. WILLIAMS, ALVARADO, BORGIA, COVILL, WALTER, JOHNSON AND CLEMENTS: Filling a Vacancy in the Office of County Legislator:**

A LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator.

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT



Committee on Appointments

~MINUTES~

Monday, March 2, 2020

1:02 PM

DRAFT

Committee Chair: Ruth Walter

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Joint with Legislation

Attendee Name	Title	Status	Arrived
Ruth Walter	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Catherine Borgia	D9 Legislator	Present	
Terry A. Clements	Vice-Chair	Absent	
MaryJane Shimsky	D12 Legislator (Majority Leader)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Absent	

Others In Attendance: LAW: John Nonna-County Attorney, Stacey Dolgin-Kmetz-Chief Deputy County Attorney and Justin Adin-Assistant County Attorney BOL: Dayana Gómez, Jill Axelrod, Allie Restiano, Melanie Montalto

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 12415) Resolution – PH - Filling a Vacancy in the Office of County Legislator:**

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 12416-2020.

Legislator Covill stated it was a good time to review this law because New York State had a lot of changes in election law. Legislator Johnson, who chaired the Board's Voting Reform Working Group, discussed the Group's findings. The full report of the Group's findings can be found at <https://westchesterlegislators.com/images/PDF/2019vrwgfinalreport.pdf>.

Ms. Dolgin-Kmetz discussed how and why the law was originally changed in 1998. Legislator Covill asked if there was a written opinion issued in 1998 as to whether this law violates the constitutional right to free speech. Ms. Dolgin-Kmetz stated that although she was working here in 1998, she was not aware of or in possession of such a memo. She believes that it was discussed and the Board decided to go forward at that time.

Minutes Acceptance: Minutes of Mar 2, 2020 1:02 PM (MINUTES APPROVAL)

Legislator L. Williams asked if there was a mandatory referendum at that time. Ms. Dolgin-Kmetz said there was, and the original law required a mandatory referendum because it curtailed the power of an elected official. Legislator L. Williams asked whether the part of the law providing that a person could not serve a subsequent term was part of the referendum. Ms. Dolgin-Kmetz said it was not required because that part of the law did not take away any power. Legislator Borgia asked for confirmation on the current law, and Ms. Dolgin-Kmetz and Mr. Nonna confirmed that the current law is not subject to mandatory or permissive referendum because it does not meet the requirements.

Legislator Johnson advised that the Working Group's report also discussed the issue of a vacancy in the position of County Executive, and that legislation on this issue should also be considered.

The committee voted on this item for the purposes of a public hearing and will vote on subsequent item number 12416 at a future meeting.

With a motion by Legislator Borgia and seconded by Legislator Barr the item was approved with a vote of 4-0.

RESULT: SIGNED BY COMMITTEE

2. (ID # 12416) Local Law – LEGISLATORS BOYKIN, SHIMSKY, L. WILLIAMS, A. WILLIAMS, ALVARADO, BORGIA, COVILL, WALTER, JOHNSON AND CLEMENTS: Filling a Vacancy in the Office of County Legislator:

A LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator.

For discussion details see item number 12415 (above).

The committee held this item for voting at a future meeting.

RESULT: PENDING

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Borgia seconded by Legislator Barr the Committee adjourned at 1:59pm.

Minutes Acceptance: Minutes of Mar 2, 2020 1:02 PM (MINUTES APPROVAL)



Committee on Appointments

~MINUTES~

Monday, March 2, 2020

4:00 PM

DRAFT

Committee Chair: Ruth Walter

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Ruth Walter	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Catherine Borgia	D9 Legislator	Present	
Terry A. Clements	Vice-Chair	Present	
MaryJane Shimsky	D12 Legislator (Majority Leader)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Absent	

Others In Attendance: BOL: Dayana Gómez, Sarah Carbonaro and Ta'tyana Martinez
 GUESTS: Hon. Lisa Copeland

MINUTES APPROVAL

- Monday, February 24, 2020 at 4:00 PM

On motion of Legislator Shimsky, seconded by Legislator Barr the minutes were approved 4-0.

I. ITEMS FOR DISCUSSION

- (ID # 12328) Resolution – APPT-Climate Smart Communities Task Force-Copeland:**

A RESOLUTION appointing Hon. Lisa A. Copeland as a member of the Westchester County Climate Smart Communities Task Force for the term December 19, 2019 to December 31, 2022.

Hon. Copeland appeared before the Committee to discuss her qualifications.

With a motion by Legislator Shimsky and seconded by Legislator Barr the item was approved with a vote of 5-0.

RESULT: SIGNED BY COMMITTEE

- (ID # 12339) Resolution – APPT-Probation Advisory Board-Jones:**

A RESOLUTION (resubmitted) appointing Brooke Jones as a member of the Westchester County Probation Advisory Board for the term January 24, 2019 to December 31, 2021.

Rescheduled for another day.

Minutes Acceptance: Minutes of Mar 2, 2020 4:00 PM (MINUTES APPROVAL)

RESULT: POSTPONED

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

1. **(ID # 11659) Resolution – APPT-Probation Advisory Board-Jones:**

A RESOLUTION appointing Brooke Jones as a member of the Westchester County Probation Advisory Board for the term January 24, 2019 to December 31, 2021.

With a motion by Legislator Shimsky and seconded by Legislator Borgia the item below was received & filed with a vote of 5 to 0.

RESULT: RECEIVED & FILED

ADJOURNMENT

Moved by Legislator Shimsky seconded by Legislator Barr the Committee adjourned at 4:18pm.

Minutes Acceptance: Minutes of Mar 2, 2020 4:00 PM (MINUTES APPROVAL)




George Latimer
County Executive

WHEREAS, a vacancy exists in the membership of the Westchester County Police Board:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, appoint Carola Otero Bracco, 69 Beverly Road, Mount Kisco, New York as a member of the Westchester County Police Board, for the term January 8, 2020 to December 31, 2022.

Given under my hand
and seal this 8th day
of January, 2020.



George Latimer
County Executive

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com



George Latimer
County Executive

January 8, 2020

Ms. Carola Otero Bracco
69 Beverly Road
Mount Kisco, NY 10549

Dear Ms. Bracco,

It is my pleasure to appoint you to serve as a member of the Westchester County Police Board, effective today, Wednesday, January 8, 2020, pursuant to the Laws of Westchester County §273.41. This appointment is for a term to expire on December 31, 2022.

Your appointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office and file it with the County Clerk prior to the next Police Advisory Board meeting, and provide this office with a copy within 30 days. Please contact the Department of Public Safety at (914) 864-7700 for the date, place, and time of the Police Advisory Board's upcoming meeting for your participation.

When you have filed your Oath of Office, a Resolution to confirm your appointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics, which includes the annual filing of a financial disclosure statement with the County Board of Ethics. A financial disclosure form will soon be mailed to you under separate cover.

Warmest wishes for a successful tenure.

Very Truly Yours,

George Latimer
Westchester County Executive

GL/wm

cc: Honorable Board of Legislators
Thomas Gleason, Commissioner - Department of Public Safety
Joan McDonald, Director of Operations

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: ce@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Attachment: APPT-Police Board-Bracco-DRAFT (12388 : APPT-Police Board-Bracco)

Carola Otero Bracco, Executive Director

Carola Otero Bracco, Executive Director of Neighbors Link, has a strong personal connection to the Neighbors Link mission of strengthening the whole community through the healthy integration of immigrants. As a first generation American born of immigrant parents from Bolivia, Carola understands the challenges that accompany the immigrant experience in America and is dedicated to inspiring healthy integration in the community. Carola is bilingual and bicultural and is driven by her passion for empowering immigrant families and advocating for personal growth through education and economic development.

During Carola's tenure, Neighbors Link has become a leader in designing, implementing and directing community-based, bilingual educational and cultural awareness training programs. Furthermore, with her guidance and leadership, the organization has quadrupled in size in 10 years and is strategically scaling the Neighbors Link model in communities that are ready to embrace our mission.

Before becoming Executive Director of Neighbors Link in April of 2004, Carola spent 12 years of her career gaining experience in financial management with General Electric Corporation, Ford Motor Company and Time Warner. She holds an MBA from Duke University and currently serves on the boards of the National Council for Workforce Education, Nonprofit Westchester, and the New York Immigration Coalition. She previously served on the board of Northern Westchester Hospital.

Carola is recognized as an expert on immigration issues in the New York Metropolitan area. She has received numerous awards and recognitions. Most recently, she was honored at the Pace Immigration Law Society's Persistence Dinner for being a warrior in the immigration field.

Providing leadership and vision for Neighbors Link is something Carola sees as her life's work and she often says it is a privilege to be in her position as executive director.

COUNTY OF WESTCHESTER OATH OF OFFICE

For Appointees to County Boards and Commissions

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, Carola Bracco do solemnly swear (or affirm) that I will support
(Print or Type Name)

the constitution of the United States, and the constitution of the State of New York, and that I will
faithfully discharge the duties of the office of Police Board in and for the
County of Westchester, according to the best of my ability.

Date: 1/16/2020 Carola Bracco
(Signature)

Sworn to and subscribed before me this 16th day of January,
2020.

[Signature]
(Signature)
RAMIRO RINCON
(Print or Type Name)
NOTARY PUBLIC
(Title of Official Administering Oath)

RAMIRO A RINCON
Notary Public, State of New York
Reg. No. 01R16360665
Qualified in Westchester County
Commission Expires June 26, 2021

Mail **original** Oath of Office to Office to Andrew Ferris, Office of the County Executive, 148 Martine Ave., Room 916D, White Plains, NY 10601 for filing **within thirty (30) days** of the commencement of the term of office or the notice of appointment.

Attachment: APPT-Police Board-Bracco-DRAFT (12388 : APPT-Police Board-Bracco)



George Latimer
County Executive

January 8, 2020

Honorable Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, NY 10601

Re: Resubmission of Appointment to Board/Commission

Dear Members of the Board of Legislators,

Please be advised that the attached appointment was submitted to your Honorable Board in 2019 during the previous legislative session. The session ended without the appointment being acted upon by the Board.

Per the Laws of Westchester County, the individual appointed herein has been serving as a full participating member from the time their Oath of Office was filed. The appointment is being resubmitted for your consideration during the new legislative session.

Sincerely,

George Latimer
Westchester County Executive

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: ce@westchestergov.com
Telephone: (914)995-2900

westchestergov.com




George Latimer
County Executive

WHEREAS, a vacancy exists in the membership of the Westchester County Probation Advisory Board, due to the newly created Board:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, appoint Brooke Jones, 10 Lindsey Road, Warwick, New York as a member of the Westchester County Probation Advisory Board, for the term January 24, 2019 to December 31, 2021.

Given under my hand
and seal this 24th day
of January, 2019.



George Latimer
County Executive

Office of the County Executive

Michnelian Office Building
1-18 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (91-1)995-2900

westchestergov.com

Attachment: APPT-Probation Advisory Board-Jones-DRAFT (12339 : APPT-Probation Advisory Board-Jones)



George Latimer
County Executive

January 24, 2019

Ms. Brooke Jones
10 Lindsey Road
Warwick, NY 10990

Dear Ms. Jones,

It is my pleasure to appoint you to serve as a member of the Westchester County Probation Advisory Board, effective today, Thursday, January 24, 2019, pursuant to Executive Order Number 6 of 2018. This appointment is for a term to expire on December 31, 2021.

Your appointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office and file it with the County Clerk prior to the next Probation Advisory Board meeting, and provide this office with a copy within 30 days. Please contact the Westchester County Department of Probation at (914) 995-3501 for the date, place, and time of the Probation Advisory Board's upcoming meeting for your participation.

When you have filed your Oath of Office, a Resolution to confirm your appointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics, which includes the annual filing of a financial disclosure statement with the County Board of Ethics. A financial disclosure form is attached.

Warmest wishes for a successful tenure.

Very Truly Yours,

George Latimer
Westchester County Executive

GL/wm

cc: **Honorable Board of Legislators**
Rocco Pozzi, Commissioner – Department of Probation
Joan McDonald, Director of Operations

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: ce@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Attachment: APPT-Probation Advisory Board-Jones-DRAFT (12339 : APPT-Probation Advisory Board-Jones)

I began my career in Corrections in 1997. I worked for Orange County Corrections in Goshen, NY from 1997 to 1998. In November 1998 I accepted the position for Correction Officer in the Dutchess County Jail. While there my accomplishments were many. One being a General Topics Instructor and a Field Training Officer. I instructed the new recruits as well as seasoned officers during the academy and on scheduled training days. In 2009 I was promoted to the position of Sergeant which I held for five years before accepting the position for Correction Officer with Westchester Department of Corrections in November 2014. I am completing 4 years and will soon be training the new recruits as a Field Training Officer upon their graduation in November. My prior and current experience would serve as a great asset on the Probation Advisory Board.

Thank you for your consideration.

Respectfully,

Brooke D Jones

COUNTY OF WESTCHESTER OATH OF OFFICE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, Brooke Jones do solemnly swear (or affirm) that I will support
(Print or Type Name)

the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of Probation Advisory Board in and for the County of Westchester, according to the best of my ability.

Date: Feb. 20, 2019

Brooke Jones
(Signature)

Sworn to and subscribed before me this 20th day of February,
2019.
John J. Allen
(Signature)
John J. Allen
(Print or Type Name)
Deputy County Clerk
(Title of Official Administering Oath)

Attachment: APPT-Probation Advisory Board-Jones-DRAFT (12339 : APPT-Probation Advisory Board-Jones)

LOCAL LAW INTRO. NO. – 2020

A LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator.

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

Section 1. Subdivision 2 of Section 107.11 of the Laws of Westchester County is hereby amended to read as follows:

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 first of a year in which there is a County-wide general election for the position of County Legislator [more than seven months prior to expiration of his or her term of office], 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 first of a year in which there is a County-wide general election for the office of County Legislator of an election, after January first, [within seven months prior to expiration of his or her term of office], 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 not be a candidate for any public office. In the event that the appointee becomes a candidate for a public office to be filled at an election to be held within the same calendar year as his or her appointment, the appointee will automatically forfeit the position of County Legislator. For the purposes of this section, a person shall be deemed a candidate for public office upon: failing to decline designation as a candidate for nomination or failing to decline a nomination, within the times set forth in the Election Law; or by becoming a candidate by prevailing in an opportunity to ballot. Otherwise] 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.

§2. If any clause, sentence, paragraph, or section of this chapter shall be held invalid by any court of competent jurisdiction, or the application of this chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section,

or operation of this chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declare to be severable.

§3. This Local Law shall take effect immediately.

~~HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER~~

~~Your Committee recommends passage of “A Local Law amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator.”~~

~~Your Committee notes that currently, Section 107.11(2) of the Laws of Westchester County provides that a vacancy in the office of a County Legislator which occurs more than seven months prior to the expiration of a term shall be filled at a special election in the legislative district of said vacated office to be called by the County Board as soon as practicable but no more than 90 days from the date of such vacancy. Your Committee further notes that the Laws of Westchester County require the remaining members of the County Board to fill a vacancy in the office of County Legislator that occurs within seven months of the expiration of a term (*i.e.*, after May 31st of the same year that the term is to expire) by appointment.~~

~~In order to minimize the need to incur the costs of a special election, this proposed law provides that a special election be called by the County Board only when the vacancy in the office of a County Legislator occurs within the first year of that County Legislator’s term of office (*i.e.*, an even-numbered year). Otherwise, if the vacancy in the office of a County Legislator occurs in the second year of that County Legislator’s term of office (*i.e.*, an odd-numbered year), then the remaining members of the County Board are authorized to fill said vacancy by appointment. That appointee will continue to serve 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 held in November in that same odd-number year.~~

~~In addition, this proposed law seeks to rectify a current provision that prohibits an appointee from becoming a candidate for any public office that same year or automatically forfeit the appointment as County Legislator. This restriction limits the pool of candidates that the County Board may appoint to the office as well as the pool of candidates who can participate in the general election for the office of County Legislator or any other public office that year. Moreover, this limitation disqualifies a person who, as a result of being appointed to the office, has obtained valuable knowledge and experience as a County Legislator.~~

~~Your Committee is informed that the proposed amendment to the Laws of Westchester County would delete the provision that prohibits an appointee to the office of County Legislator from being a candidate for any public office, thereby enlarging the pool of potential qualified appointees.~~

~~As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that since this proposed local law does not constitute an action as defined in section 617.2(b) of 6 NYCRR Part 617. As such, no further environmental review is required. Your Committee has reviewed the annexed SEQRA Status Sheet and concurs with this conclusion.~~

~~For the above reasons, your Committee recommends the adoption of this local law. An affirmative vote of a majority of the Board of Legislators is required to adopt this local law.~~

~~Dated: August _____, 2020
White Plains, New York~~

COMMITTEE ON

RESOLUTION NO. _____-2020

~~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. _____ 2020, entitled "A LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator." The public hearing will be held at ____m. on the _____ day of _____, 2020 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.~~

Attachment: LOCAL LAW- Vacancy on the County Board -2020 DRAFT #2 (12416 : Filling a Vacancy in the Office of County Legislator)

LOCAL LAW INTRO. NO. – 2020

A LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator.

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

Section 1. Subdivision 2 of Section 107.11 of the Laws of Westchester County is hereby amended to read as follows:

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 first of a year in which there is a County-wide general election for the position of County Legislator [more than seven months prior to expiration of his or her term of office], 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 first of a year in which there is a County-wide general election for the office of County Legislator [within seven months prior to expiration of his or her term of office], 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 not be a candidate for any public office. In the event that the appointee becomes a candidate for a public office to be filled at an election to be held within the same calendar year as his or her appointment, the appointee will automatically forfeit the position of County Legislator. For the purposes of this section, a person shall be deemed a candidate for public office upon: failing to decline designation as a candidate for nomination or failing to decline a nomination, within the times set forth in the Election Law; or by becoming a candidate by prevailing in an opportunity to ballot. Otherwise] 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.

§2. If any clause, sentence, paragraph, or section of this chapter shall be held invalid by any court of competent jurisdiction, or the application of this chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section,

or operation of this chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declare to be severable.

§3. This Local Law shall take effect immediately.