

**CERTIFICATION OF RECORDS**

STATE OF NEW YORK)

SS:

COUNTY OF WESTCHESTER)

I, Anthony S. Siligato, the undersigned Village Clerk of the Village of Port Chester, New York, DO HEREBY CERTIFY.

That I have compared the annexed copy of resolution adopted by the Village of Port Chester Board of Trustees at a meeting held on January 28, 2008, and that the same is a true and correct copy therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Port Chester, New York this 6<sup>th</sup> day of February, 2008.



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Village Clerk, Village of Port Chester, New York

(Seal)

## RESOLUTION

On motion of TRUSTEE CICATELLI, seconded by TRUSTEE CRANE, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, after trial, United States District Court Judge Stephen C. Robinson rendered a Decision and Order holding that the Village of Port Chester's at-large system for electing trustees for the Board of Trustees violates Section 2 of the Voting Rights Act; and

WHEREAS, the Village is entitled by law to present its preferred remedy to the Court; and

WHEREAS, the Board of Trustees has heard and understands that the Court has expressed the need for change in Port Chester's 140 year-old electoral system to more fully promote voter participation and to promote inclusion throughout the entire Village; and

WHEREAS, although the Board is disappointed that the Court chose to defer consideration of the constitutional issue of vote devaluation to the remedy hearing, it nevertheless accepts the challenge that the Court has put before the Village; and

WHEREAS, the Village has a noble and proud history for persons of all backgrounds; and

WHEREAS, the Board has an open mind to other electoral methods besides the at-large method, as well as other related electoral changes including the elimination of staggered terms to achieve the desired result of enhanced voter participation and inclusion; and

WHEREAS, the Village has always desired to be proactive to fully empower and actively engage minority citizens in the electoral process, while neither disenfranchising nor devaluing voters' rights; and

WHEREAS, the Village favors the most equitable and enduring means of realizing this objective to ensure acceptance of the entire community; and

WHEREAS, the Village's unique and great strengths as a multicultural, richly diverse community present unique challenges that require creative solutions; and

WHEREAS, a nationally-recognized team of experts has been assembled on behalf of the Village who have identified the existence of viable alternative electoral methods; and

WHEREAS, these experts have identified cumulative voting as the optimal remedy for the Village in that it will remedy the Section 2 violation found by the Court, without devaluing the votes of any of its citizens; and

WHEREAS, over 80 percent of the Village's Hispanic Citizen Voting Age Population resides outside the proposed Hispanic Majority District in the single member district plan and its modified version presented by the Department of Justice at the trial of this matter; and

WHEREAS, the Village has been advised that in the event it adopts any District plan that significantly devalues the votes of its citizens, the Village may be subject to additional litigation; and

WHEREAS, the Village has also been advised that any district plan will need to be redrawn as a result of the 2010 Census, particularly in light of population trends, redevelopment in the Village and errors in the 2000 Census discovered during litigation, and that any district plan may result in further litigation. Now, therefore, be it

RESOLVED, that the Board of Trustees recognizes its obligation to move judiciously to bring forth the desired change in the Village of Port Chester and to commit all required resources, including but not limited to a comprehensive voter education program, to implement the Village's preferred remedy; and be it further

RESOLVED, that the Board finds that cumulative voting combined with the elimination of staggered terms is the most appropriate and effective electoral method to accomplish these aforementioned goals and to remedy the Section 2 violation found by the Court; and be it further

RESOLVED, that this Board therefore directs its special counsel to present a cumulative voting plan consistent with this resolution to the Court as the Village's preferred remedy.

#### ROLL CALL

AYES: Trustee Sorensen, Kenner, Crane, Adams, Cicatelli and Mayor Pilla

NOES: Trustee Brakewood

DATE: January 28, 2008