

# Inter-County Association of Western New York

*Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuylers, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.*

## **RESOLUTION NO. 2020-10-IC**

### **RESOLUTION IN SUPPORT OF PENDING BILLS IN NEW YORK STATE LEGISLATURE, S08326 AND A10449, “ELIMINATES THE POWERS OF THE GOVERNOR TO ISSUE ANY DIRECTIVE NECESSARY TO RESPOND TO A STATE DISASTER” TO RESTORE NECESSARY CHECKS AND BALANCES AND PRESERVE SEPARATION OF POWERS**

Offered by: the Inter-County Association of Western New York

**WHEREAS**, one of the fundamental principles of the American constitutional system is that governmental powers are divided among the three branches of government and that each of these is separate from, and may not infringe on the independence of, the others, and

**WHEREAS**, the concept of the separation of powers is the bedrock of the system of government adopted by the State of New York in establishing three coordinate and coequal branches of government, legislative, executive, and judicial, each charged with performing particular functions, and

**WHEREAS**, the principle of separation of powers preserves political liberty and provides a framework for freedom under which the three separate but equal branches of government serve as a check and balance on each other, and

**WHEREAS**, under New York Senate bill S.7919, the Governor of New York was given the power to declare an emergency in virtually any circumstance, to unilaterally take almost any action deemed necessary when there is a declared emergency and, therefore, the ability to make changes and enact legislation without consulting the state legislature, holding hearings, or providing opportunities for public input, and

**WHEREAS**, as a result, since the beginning of the COVID-19 pandemic, in a little over two months, Governor Andrew Cuomo has unilaterally enacted or changed over 250 laws with no legislative, judicial or public input, and

**WHEREAS**, there is currently pending Case Number 1:20-cv-00577, in the U.S. District Court for the Western District of New York, accusing Governor Cuomo of alleged abuse of power during the COVID-19 pandemic under the Equal Protection Clause of the U.S. Constitution, and

**WHEREAS**, until recently, Governor Cuomo has refused to recognize the diversity of the state’s economy and geography in determining closure and mitigation procedures, and

**WHEREAS**, since Governor Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York:

- At least 1.6 million new unemployment insurance claims were filed in New York from March 8 to April 25; only 96,080 claims were filed for the same period in 2019;
- From March 8 to April 25, the accommodation and food services industry filed the highest number of unemployment insurance claims at 308,890; Only 10,479 initial claims were filed for the same period in 2019;
- Retail trade employees have filed the second highest number of initial claims at 217,187;
- Private sector jobs decreased over the month of March by 42,900, the highest employment drop since April 2009;

- The need at food banks in Upstate New York has gone up 40 to 60 percent;
- Some dairy farm cooperatives are dumping milk because the market cannot consume it, and

**WHEREAS**, the above calls into serious question the effectiveness of the Governor’s unilateral new powers and/or the exercise thereof in properly addressing a public health crisis while preserving economic security and personal liberty, and

**WHEREAS**, the New York State Constitution authorizes a Senate of varying number, currently 63 members, and an Assembly of 150 members, who are elected from districts throughout the State for two-year terms and which, through their varied functions, serve as a check upon the executive authority of the Governor and help ensure that the best interests of each legislator’s constituents are legislatively represented, and

**WHEREAS**, on May 8, 2020, New York State Senator Pam Helming and Assemblyman David DiPietro announced legislation S08326 and A10449, to repeal the above powers granted earlier this year to the Governor, and

**WHEREAS**, these bills are co-sponsored in the Senate by Senators Borrello, Funke, Jordan, O’Mara and Tedisco and in the Assembly by members DeStefano, Palmesano, Tague and Manktelow, and

**WHEREAS**, the memorandum accompanying the Assembly bill notes that “No Governor should have the ability to make hundreds of unilateral decisions without input from or votes in the state legislature. In times of crisis, decisions must often be made quickly, but they should not be made in a way that undermines the foundation of our democracy and the system of checks and balances. State legislators are elected by their constituents to represent them, people do not solely vote for a governor. The State Legislature and Executive were created to work together for a reason. The State Senate and Assembly cannot abdicate their role in government as legislators and simply leave the difficult decisions to the Governor;” now, therefore be it

**RESOLVED:**

1. That the Inter-County Association of Western New York hereby supports in full, and calls for passage and enactment of, the above pending bills in New York State Legislature, S08326 and A10449, in order to restore the separation of powers and checks and balances necessary to a free and fair representative democracy, and
2. That the Inter-County Association of Western New York Secretary is directed to send a certified copy of this resolution to state representatives and all others deemed necessary and appropriate.

*This is to Certify that I*, the undersigned, Secretary of the Inter-County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 19th day of June 2020 and that the same is a true copy of said original and of the whole thereof.

*In Witness Whereof*, I have hereunto subscribed my name and affixed the official seal of the Inter-County Association of Western New York dated June 19, 2020.

*Jodi Adams*



Jodi Adams, Secretary  
Inter-County Association of Western New York

Sponsored by: Schuyler County, Moved by: Rondinaro (*Schuyler*), Seconded by: Miller (*Wayne*)