

ULSTER COUNTY
CHARTER REVISION COMMISSION

240 Fair Street, PO Box 1800
Kingston, New York 12402

COPY

Commissioners

Gerald Benjamin, Ph.D.
Gary Bischoff
Albert Cook
Ronald G. Lapp Jr.
Donald J. Gregorius

Chairperson
Rod Futerfas, Esq.



Commissioners

Thomas Kadgen
Frederic B. Mayo
John P. Quigley
Dare Thompson
Laurel Sweeney

VIA HAND DELIVERY

September 11, 2018

Board of Elections
Attn: Commissioners Dittus and Turco
284 Wall Street
Kingston, New York, 12401

UC BOE
SEP112018AM10:44

Dear Commissioners Dittus and Turco,

Enclosed please find the final proposed changes to the Ulster County Charter, as recommended by the Ulster County Charter Revision Commission. The Commissioners have voted unanimously to send the changes directly to the Ulster County Board of Elections for placement on the ballot at the 2018 general election, as authorized by Section C-5(B)(4) of the Charter, which is attached for reference.

As Vice Chairman of the Commission I certify that the attached are true and accurate copies of the ballot proposition, abstract, and the resolution signed by all members along with the proposed language.

By this letter, I request that the proposition be placed before the voters at the next scheduled general election pursuant to Ulster County Charter § C-5(B)(4). Thank you for your time and attention to this matter.

Respectfully yours,

Donald J. Gregorius
Vice Chairman

*Ulster County, NY
Monday, September 10, 2018*

Chapter C. Charter

Article I. Ulster County and Its Government

§ C-5. Amendment or revision of Charter.

- A. Amendment through the Legislature. The County Executive, any Legislator, the Legislature collectively or any person may make recommendations at any time to the County Legislature for amendments to the Charter. A proposed amendment or proposed amendments to this Charter may be adopted in the manner provided by the Municipal Home Rule Law.
- B. Amendment or revision by Commission. Within five years after the enactment of this Charter, and at least every 10 years thereafter, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to this County Charter. The Commission shall consist of 11 qualified electors of Ulster County and representing the different geographic areas and reflective of the demographic diversity of the County, with five members appointed by the County Executive, three members to be appointed by the leader of the party in the Legislature with the most members, and three members by the leader of the party in the Legislature with the second most members. No appointee to this Commission shall be a County employee or elected official at the time he or she serves on this Commission.
- (1) The first meeting of the Commission members shall be convened by the County Executive in the second week after the deadline for its appointment for the purposes of electing a Chairman and receiving its charge. The Chairman of this Commission shall be elected at that meeting by a majority vote of the entire membership of the Commission.
 - (2) The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively. No member of the Charter Revision Commission shall receive any compensation, but each member shall be reimbursed by the County of Ulster for all actual and necessary expenses incurred in the course of the performance of his or her duties as a member of the Commission.
 - (3) The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website. The Commission shall issue a written report to the County Legislature and County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting, containing its findings and recommendations, if any, for amendments or revisions of the Ulster County Charter to be placed by the County Legislature before the people of Ulster County for their consideration at the next scheduled general election at least 60 days after the report is delivered to the Clerk of the Legislature. The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.

- (4) The Commission, by two-thirds vote of its members, may place directly before the voters for their approval at referendum proposals to amend or revise Charter provisions pertaining to the County in Article II or III of this Charter. These amendments or revisions must be filed with the Ulster County Board of Elections timely so as to allow a vote upon them at the next scheduled general election after the Commission reports. No later than one month before the scheduled referendum at which its adoption will be considered, the Commission must hold at least one public hearing on any Charter change proposed directly to the ballot. Amendments or revisions proposed directly to the ballot by the Commission will be deemed adopted if approved by a majority of voters casting ballots on the question during the next scheduled general election. Notwithstanding other provisions of this Charter, if the Charter Commission proposes a matter for direct ballot consideration, the Commission will continue to function until the day after election day of the year of consideration of its proposal on the ballot.

WHEREAS, the Ulster County Charter Revision Commission was duly appointed by November 1, 2017 in accordance with Section C-10(L) of the Ulster County Charter and consists of members appointed by the Ulster County Executive, Chairman of the Ulster County Legislature, and Minority Leader of the Ulster County Legislature; and

WHEREAS, the Commission was charged with examining and, if deemed necessary, drafting revisions to Section C-10, Commission on Reapportionment (Redistricting), of the Ulster County Charter; and

WHEREAS, the Commission has met extensively to examine all of the language in Section C-10 of the Ulster County Charter; and

WHEREAS, the Commission has proposed revisions to Section C-10 of the Ulster County Charter to provide for decennial redistricting of the Ulster County Legislative Districts by a process that is as non-political and independent as possible; and

WHEREAS, the Commission voted on May 14, 2018 to submit its revisions to the public for comment at public hearings; and

WHEREAS, two public hearings were held, one in Kingston at the Ulster County Legislative Chambers on May 30, 2018, and one in New Paltz at the BOCES Conference Center on May 31, 2018 after notice to the public was provided as required by local law; and

WHEREAS, by unanimous vote, the Commission has voted in the affirmative to recommend amendments, which are attached hereto and made a part hereof, to the Ulster County Charter; and

WHEREAS, the Commission desires to submit its revisions directly to the Ulster County Board of Elections for placement on the 2018 General Election ballot for consideration by the public as a county-wide referendum as provided in Section C-5 (B)(4) of the Ulster County Charter; now, therefore, be it

RESOLVED, this action constitutes a Type II action under section 4.2.1 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution 118 on April 20, 2010, and as such does not pose any significant adverse impact on the environment and no further determination under SEQRA is necessary; and be it further

RESOLVED, that the Commission hereby adopts the attached proposed revisions to Section C-10 of the Ulster County Charter; and, be it further

RESOLVED, that the Commission hereby adopts the attached ballot proposition language; and, be it further

RESOLVED, that the Chairman of the Ulster County Charter Revision Commission is hereby directed to transmit the attached proposed revisions to Section C-10 of the Ulster County Charter and ballot proposition to the Ulster County Board of Elections for placement on the 2018 General Election ballot for the purpose of conducting a county-wide referendum;

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:


AYES: NOES:

IN WITNESS WHEREOF, I have hereunto set my hand this 27th Day of ~~July~~^{August} in the year Two Thousand and Eighteen.



Rod P. Futerfas, Esq., Chairman


8/27/18
Date



Donald J. Gregorius, Vice Chairman


8/13/18
Date

Voting in the Affirmative:




Rod P. Futerfas, Esq., Chairman

8/27/18
Date



Donald J. Gregorius, Vice Chairman

8/13/18
Date



Gerald Benjamin, Ph.D., Commissioner

8/25/18
Date




Gary Bischoff, Commissioner

8/18/25
Date


Albert Cook, Commissioner

8/20/2018
Date


Ronald G. Lapp, Jr., Commissioner

8/13/18
Date


Thomas Kadgen, Commissioner

8/13/18
Date


Frederic B. Mayo, Commissioner

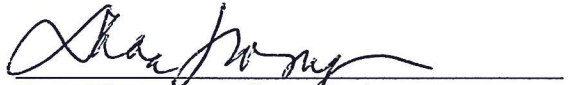
8/22/18
Date


John P. Quigley, Commissioner

8/22/18
Date


Laurel Sweeney, Commissioner

8-22-18
Date


Dare Thompson, Commissioner

8/13/18
Date

2018 Proposed Charter Revision

Enclosed please find a submission by the Ulster County Charter Revision Commission. The Commission respectfully requests the Board of Elections place the following question on the ballot at the General Election this year. The Resolution by the Commission as well as the proposed language changes to the Ulster County Charter are attached.

1. The Commission requests that the Proposal be titled as follows:

“Proposal _____ – Allowing for the Revision of the Ulster County Charter § C-10 Commission on Reapportionment (Redistricting)”

2. The Commission requests that the Question appear as follows:

“Proposal Number _____, an Amendment -- Shall Section C-10 of the Ulster County Charter be amended to provide for the creation of an independent Redistricting Commission, designed to exclude political influence in revising county legislative districts, as proposed and unanimously approved by the Ulster County Charter Revision Commission?”

3. The Commission requests that the Abstract appear as follows:

The purpose of this Ballot Question is to allow the voters of Ulster County to determine whether the Ulster County Charter should be amended to provide for the creation of an independent Redistricting Commission. The County is required to periodically reexamine the boundaries of its legislative districts based on changes in the population. The Ulster County Charter Revision Commission was convened pursuant to the Charter to create a method for doing so. It has proposed a method of reapportionment of the 23 Ulster County legislative districts, which is the subject of this Ballot Question. Under the proposal, a new Redistricting Commission will be created every ten years following each census. The Commission will consist of seven members. Four members will be chosen by the majority and minority leaders of the County Legislature. The remaining three members will be chosen by those appointees. The final legislative district map will not require approval by the County Legislature. The proposal prohibits elected officials from serving on the Commission, and establishes principles to be used in creating districts. This new process has been designed to exclude political influence in revising county legislative districts. It is proposed after having been unanimously approved by the Ulster County Charter Revision Commission.

If a majority voting on this Question votes NO, the proposed Charter revisions will not be adopted.

If a majority votes YES, the proposed Charter revisions will be adopted.

§ C-10 Commission on Reapportionment (Redistricting)

- A. A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from each decennial census to evaluate existing legislative districts *to the maximum extent practicable* pursuant to the process established herein and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries, defining geographic features, and equal population within applicable law, but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven members who are County residents, are [eligible to]registered to vote in Ulster County, represent the geographic and demographic diversity of Ulster County, and are not currently, nor have been for the three years preceding the formation of the Commission, [public officers]elected officials, employees of New York State, Ulster County or any town, city or village in that County, or members or officers of any political committee. [For the purposes of this statute, public officers shall not include notaries public.]
- B. To establish a pool from which Commission members will be appointed, the County Executive shall, no later than June 1 of each year ending in ["0,"]zero, commence the process for widely soliciting interest in serving on the Commission through [such means]methods [including but not limited to] such as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website. A report of the process and a list containing the names of the people in [T]the pool of candidates qualified to serve as

members of the Commission shall be submitted to the *Clerk of the County Legislature* no later than September 1 of each year ending in *zero*.["0."]

C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent [various]*the demographic and geographic* [areas]*diversity* of the County and shall be made no later than *January*[October] 1 of each year ending in ["0"]"1" with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.

D.

(1) The four appointed Commissioners shall select the additional three Commission members from the [pool]previously established *pool* no later than *January 15*[October 15] of each year ending in "1"[zero] *and shall represent the geographic and demographic diversity of the County*.["0."] In the event that all of the three additional Commission members are not appointed by the prescribed [October]*January 15* deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.

(2) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above no later than *February*[November] 1 of each year ending in "1."["0."] The four newly appointed members will appoint three

additional members as set forth above by *February* [November] 15 of each year ending in "1." ["0."] In the event that all of the three additional Commission members are not appointed by the prescribed *February*[November] 15 deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.

(3) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above but no later than *March*[December] 1 of each year ending in "1." ["0."]

(4) In the event that these four Commission members fail to select all of the three additional members by *March* [December] 15 of each year ending in "1." ["0,"] then by *April*[January] 1 of each year ending in "1," the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of this Charter. The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not

represent the criteria set forth in § C-10A of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of this Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.

(5) A vacancy in any Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than 15 days from the date of the vacancy.

E. The *first meeting of the Commission shall be convened by the County Executive [meet]*no later than 15 days after it is fully appointed *for the purposes of receiving its charge and determining how a Chairperson will be selected.* The Commission shall *decide [elect a Chairperson]*at its first meeting by majority vote of the entire membership of the Commission *if it will have a Chairperson and Vice Chairperson by election or a Chairperson by rotation.*

(1) Chairperson and Vice Chairperson by Election

The Commission shall elect a Chairperson and Vice Chairperson at its first meeting by majority vote of the entire membership of the Commission. The Chairperson and/or the Vice Chairperson may be removed from his/her seat by a two-thirds vote of the entire membership of the Commission. A vote for removal of the Chairperson and/or Vice

Chairperson may be called by any member of the Commission. A vote for removal from the seat of Chairperson or Vice Chairperson is not a vote for removal from the Commission.

In the event of a vacancy in the seat of Chairperson or Vice Chairperson the vacancy shall be filled by a majority vote of the entire Commission immediately thereafter, but in no event shall it be later than at its next scheduled meeting immediately following the vacancy.

(2) *Chairperson by Rotation*

The position of Chairperson shall rotate each meeting. The position shall rotate among the Commissioners in alphabetical order by surname commencing with the Commissioner whose surname begins with the letter appearing earliest in the alphabet. A Commissioner may elect to not sit as the Chairperson, in which event, the Chair shall move to the next Commissioner in the rotation. Should a Commissioner elect to not serve as Chairperson at any point during the rotation, this decision shall not result in the forfeiture of future turns to serve as Chairperson.

F. Powers and duties of the Commission; hearings; submissions and approval of the plan.

- (1) Following each decennial census, the Commission shall [prepare a plan to]divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The [plan] *Commission* shall be solely limited to [the designation of]creating district boundary lines delineating each of the 23 legislative

districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with [the power and authority granted to]the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. [In preparing the plan, t]The Commission shall be guided by the criteria set forth in § C-10A of the County Charter.

- (2) *To the maximum extent practicable*, [E]each of the 23 single member legislative districts shall be created, taking into consideration § C-10 A of this Charter[based upon population].
- (3) The Commission shall hold one or more public hearings on or prior to May 20 of each year ending in "[1]2" and shall make its draft plan available to the public for inspection and comment not less than 10 days before such public hearing.
- (4) The Commission shall prepare and adopt, by majority vote, a final plan for reapportionment and [submit]*file* its plan [to]*with* the [Clerk of the Legislature]*Ulster County Board of Elections* on or before [June 1]*July 20* of each year ending in "[1]2". [unless the Legislature shall adopt a resolution extending the deadline for a period of up to 15 days if the necessary census data has not been supplied in a timely fashion and the Commission requests such extension. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.](5) If the

Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum, such plan shall not take effect, and a new Commission on Reapportionment shall be established, and such persons on the Commission shall meet all criteria as the prior Commission. The County Executive shall undertake the same or substantially similar procedures as were utilized in the formation of the Commission on Reapportionment in the prior year to solicit volunteers for the pool who will be considered for the Commission on Reapportionment. Such pool of candidates shall be established by December 15 of the year ending in "1." The majority leader and minority leader in office as of January 10 in a year ending in "2" shall pick two persons each from the pool of candidates to serve on the Commission by January 15 in a year ending in "2." The four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than February 1 of each year ending in "2." In the event that all of the three additional Commission members are not appointed by the prescribed February 1st deadline, the appointment of the initial four members and any additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.](6) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above no later

than February 10 of each year ending in "2." The four newly appointed members will appoint three additional members as set forth above by February 20 of each year ending in "2." In the event that all of the three additional Commission members are not appointed by the prescribed February 20 deadline, the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of this Charter by February 25 of each year ending in "2."[(7) The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in § C-10A of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of this Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.]

[G. The Commission shall meet no later than seven days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.]

[H. Powers and duties of the Commission; hearings; submissions and approval of the plan.]

(1) The Commission shall prepare a plan to divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in § C-10A of the County Charter.](2) Each of the 23 single member legislative districts shall be created, taking into consideration § C-10 of this Charter based upon population.](3) The Commission shall hold one or more public hearings not less than 10 days before it submits its final plan to the Clerk of the Ulster County Legislature, in accordance with Subsection **H(4)** of this section. The Commission shall make its draft plan available to the public for inspection and comment not less than 10 days before the first such public hearing.](4) The Commission shall prepare and adopt, by majority vote, a plan for reapportionment and submit its plan to the Clerk of the Legislature on or before May 1 of each year ending in "2." Such plan shall divide the County into 23 single member districts for the election of the County Legislature. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.]

(5) [If t]The Commission's [on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it]*reapportionment plan* shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." [If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum it shall not take effect. In such a case, any resident of Ulster County may apply to a court of competent jurisdiction to reapportion the County Legislature into 23 single member districts which otherwise meet the criteria of this Charter and applicable laws.]

(6) [Upon any such reapportionment plan becoming effective, it shall be submitted to t]The Ulster County Board of Elections[, which]shall make adjustments as may be necessary and appropriate to comply with the adopted plan.[or pursuant to any court order]

I. The County Legislature shall appropriate such funds as it deems are necessary for the Commission[(s)] to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission[(s)] subject to the provisions set forth in this Charter and applicable federal, state, and local laws.

J. [A]*The Reapportionment Commission* shall be dissolved on the day following the general election in *years ending in "3."* [which it submits its plan to the Clerk of the County Legislature]-

[K. A vacancy in any Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than 15 days from the date of the vacancy.]

[L. If the County of Ulster is not authorized to reapportion in the manner provided for herein pursuant to an applicable State law, including but not limited to the portion authorizing a permissive referendum, the Ulster County Charter Revision Commission shall be reconvened, as provided for in § C-5 of the Ulster County Charter, not earlier than September 1, 2017, and not later than November 1, 2017, for the purpose of providing for a method of reapportionment of the 23 Ulster County legislative districts pursuant to § C-10 of the Ulster County Charter.]

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