

Authorizing The Creation Of A Special Committee To Investigate Matters Regarding The Management, Operation And Practices Of The Office Of The Ulster County Auditor

Legislators Aiello, Alfonso, Busick, Cummings, Every, Fabiano, Felicello, Gerentine, Harris, McAfee, Noonan and Roberti offer the following:

WHEREAS, pursuant to Section 209 of the County Law of the State of New York, the Ulster County Legislature is empowered to issue subpoenas and conduct investigations of any subject matter within its jurisdiction, including the conduct and performance of official duties of any officer or employee paid from County funds and the accounting for all monies or property owned by or under the control of the County, and

WHEREAS, Section 209 of the County Law further provides that the powers to conduct such investigations may be delegated to a committee of the Ulster County Legislature, and

WHEREAS, Section 154 of the County Law of the State of New York provides for the establishment of so-called Special Committees together with Ulster County Rule 35, and

WHEREAS, the Office of the Ulster County Auditor was established by Section 1 of Local Law Number 4 of 1993, and

WHEREAS, the powers and duties of the County Auditor are set forth in Section 2 of the said Local Law Number 4 of 1993, and

WHEREAS, Section 2[a] of the said Local Law Number 4 of 1993 provides that the County Auditor shall: "Audit all claims, accounts and demands which are made County charges by law and which otherwise would be audited by the County Legislature, and

WHEREAS, Section 2[b] of the said Local Law Number 4 of 1993 provides that the County Auditor shall: "Have the authority to appoint and remove all officers and employees of the office of the County Auditor.", and

WHEREAS, Section 2[c] of the said Local Law Number 4 of 1993 provides that the County Auditor shall: "Perform related duties and functions as the County Legislature may from time to time direct", and

WHEREAS, Section 3 of the said Local Law Number 4 of 1993 sets forth the position of certain Deputy Auditors, and

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WHEREAS, Ulster County has been falling behind in the payment of bills, claims, accounts and demands made to the County, and

WHEREAS, it is the responsibility of the County Auditor to provide for the timely review, audit and approval for payment of such bills, claims, accounts and demands, and

WHEREAS, the failure of the County Auditor to provide for such timely payment has resulted in damage to the standing and reputation of Ulster County among its vendors, credit rating, long term debt holders, and its tax paying residents, and

WHEREAS, if the shortcomings of the County Auditor are not addressed and remedied immediately, Ulster County may suffer irreparable damages, and

WHEREAS, the County Auditor hired a Deputy Auditor from the State of California with only a few days public notice, and

WHEREAS, significant questions linger as to why it was necessary to hire someone from California for an Ulster County, New York position as well as what monies were expended in connection with the hiring and placement of the said deputy, including whether public monies may have been expended for the private affairs of said deputy, and

WHEREAS, a close examination of the management, operation and practices of the County Auditor is, based upon the foregoing, warranted, and

WHEREAS, it is the intent of the Ulster County Legislature to have the management, operation and practices of the Office of the County Auditor investigated pursuant to Section 209 of the County Law.

RESOLVED, the Ulster County Legislature hereby creates the Special Committee to investigate the Office of The County Auditor which shall consist of three members, who shall be appointed by the Chairman of the Ulster County Legislature and shall consist of : (1) one Legislator from the majority party and; (2) one Legislator from the minority party; and (3), one resident of the County of Ulster mutually agreed upon by the two appointed Legislators, and

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FURTHER RESOLVED, the Special Committee to investigate the Office of The County Auditor will report to the Ulster County Legislature in writing within 60 days of the appointment of its members. The report will include an evaluation of the management, operation and practices of the County Auditor, including but not limited to an assessment of the reasons for the delay in the processing of County bills for payment and the circumstances surrounding the hiring of a deputy auditor from California together with an informal accounting of any public funds spent for the personal affairs of the said deputy auditor together with any recommendations on new policies/legislation/actions that can be taken by the County to improve the Office of the County Auditor,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:

NONE

0542

RULED OUT OF ORDER BY COUNTY ATTORNEY

Legislator Noonan motioned, seconded by Legislator Cummings to amend the "RESOLVED" shall consist of: (1) one Ulster County resident appointed by the Majority Leader, (2) one Ulster County resident appointed by the Minority Leader and (3) one Ulster County resident appointed by the two aforementioned appointees.

MOTION RULED OUT OF ORDER BY COUNTY ATTORNEY

Section 209 of the County Law does not permit a committee to be comprised of members other than Legislators.