



2022 – 2023
ULSTER COUNTY
CHARTER REVISION COMMISSION
FINAL REPORT

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SEPTEMBER 14, 2023

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2022-23 ULSTER COUNTY CHARTER REVISION COMMISSION REPORT

PURPOSE

The Ulster County Charter, "constitutes the government of Ulster County and provides for its form and functioning. Among other purposes, this Charter seeks to:

- secure County home rule to the greatest extent possible;
- assure fair elections for County offices and accountability of the County's government to its people;
- separate the legislative and executive functions and responsibilities in Ulster County government;
- achieve increased efficiency, economy, equity, effectiveness and responsibility in the operation of the County government;
- increase fiscal accountability;
- ensure flexibility in the structure of County government to allow easy adaptability to change; and
- foster intermunicipal agreements and cooperation.”

Ulster County Charter § C-1 Title and purpose.

The Ulster County Charter was designed to be a living document by requiring periodic review by the Charter Revision Commission and allowing amendment and updating through Legislative Resolution.

METHODOLOGY

The 2022-23 Charter Revision Commission first met on September 15, 2022, and thereafter met two or more times each month until September 14, 2023. Public comment was encouraged and accepted at each meeting and mandated public hearings to “collect opinions on the strengths and weaknesses of the Charter and proposed improvements” were held. The Commission solicited

input through a series of published public notices and written letters to County officials, the Legislature, and department heads. The Commission also requested consultations with County officials and department heads who may be impacted by specific recommendations being considered. The Commission assured that any charter revision recommendations came from cross-referenced knowledge.

RECOMMENDATIONS

After much deliberation, two time-sensitive proposed changes will be on referendums before the voters this November.

1. A proposed change to the process for filling a vacancy in the office of County Executive.
2. A proposed change taken up by the Legislature - Proposed Local Law 8 – to improve transparency and accountability of financial records.

The other Commission recommendations require the Legislature to act through resolution and/or placing them before the public through a referendum and/or by making changes to the Administrative Code.

It is important to note that the Commission's recommended revisions are the first step in updating the Ulster County Charter. Legislative review, engaging the electorate, and updating the Administrative Code is time consuming and requires dedication and close attention to detail.

The Commission reviewed all Charter revision suggestions received both in writing and through direct conversations at meetings. The Commission did not recommend advancing several suggestions for various reasons:

- The Commission felt the issue should be addressed in the Administrative Code.

- The Commission felt the suggestion was an overhaul of the Charter and possible change in county governance that went beyond the intent of the present Charter and would require additional research and deliberation.
- The Commission did not support the proposed change as necessary or positive in creating a better or more efficient county government.

The following report includes the red-line changes proposed by the 2022-23 Commission and a brief explanation for some of these changes.

The Commission offers the following observation that should be addressed when approaching Charter revision and Administrative Code updates in the future.

Section §C-5 Amendment or revision of the Charter.

1. The 2022-23 Charter Revision Commission observed that the current Charter requirement in §C-5 for a commission to meet “every 10 years” is open to many interpretations. It is not clear how to calculate “every 10 years” because a commission may meet for up to one year at a time and commissions have also been convened at shorter intervals by the Legislature for specific Charter issues. The Commission desires to correct this ambiguity.
2. The timing of the appointment of the 2022-23 Commission created additional issues. The Charter states “The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.” The 2022-23 Commission was appointed and first met on September 15, 2022, and the Charter requires the Commission’s final report be delivered on or before September 15, 2023. The 2022-23 Commission noted that if they used the allotted “one year and one day” to deliberate, the timing of this 2022-23 report would not allow significant and time sensitive

“findings and recommendations 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” in November of 2023.

3. The 2022-23 Commission also recognized the need for future commissions to gather information in a timely and organized manner. The 2022-23 Commission invited public comment at each meeting and held the required public hearings to gather citizen “opinion on the strengths and weaknesses of the Charter and proposed improvements.” The Commission received numerous items for consideration from elected officials and the public and publicized its work through print and electronic media and the County website. After gathering significant comment, the 2022-23 Commission began discussing these issues in earnest. In some instances, the Commissioners voted to make changes, only to discover weeks later, that other elected officials and/or departments disapproved of the changes or offered other solutions. Six months into deliberations, new issues and objections to previous commission determinations were being introduced and several had to be revisited and/or reconsidered with more complete input and information. This could have been more efficient.

To address the above issues the Commission recommends that future Charter Revision Commissions be convened by April 15 in every year ending in “0”.

- This will give a newly seated Legislature time to establish leadership before making their appointments at the start of a new term.
- This will allow future commissions time to “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” in a manner that allows sufficient

time for the Legislature to review the report with its findings and recommendations, and prepare amendments or revisions of the Ulster County Charter (if any) for presentation to the electorate per Charter §C-5 B(3) at the next general election. These sections dictate the timing required to sufficiently present the public with proposed amendments for vote at the next scheduled general election.

- Having had adequate time to deliberate the Commission can then “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” as permitted in the Charter §C-5 B(4)

The 2022-23 Commission further recommends a protocol be established in §C-5 or in the Administrative Code requiring the County Executive to “collect opinions on the strengths and weaknesses of the Charter and proposed improvements” from elected officials including the Comptroller, County Clerk, Sheriff, District Attorney and County Department Heads before the first meeting of the Charter Revision Commission. This protocol should require the County Executive to:

1. Notify elected officials and department heads on or before November 15 in the year ending in “9” that a commission will be appointed and begin meeting on or before April 15 in the year ending in “0”.
2. This announcement should include a request for submission of proposals and “opinions on the strengths and weaknesses of the Charter and proposed improvements” with a deadline on or before April 15 in the year ending in “0”. Whenever possible, submissions should cite the Section of the Charter to which they apply and include

proposed language. Submissions shall be forwarded to the Clerk of the Legislature and the County Executive.

3. Copies of the submissions from the elected officials and department heads should then be provided to the Charter Revision Commission at its first meeting.

This protocol would:

- invite outgoing Legislators, newly elected Legislators, and other elected officials an opportunity to share opinions on the strengths and weaknesses of the Charter and propose improvements.
- offer elected officials and department heads an opportunity to review other proposals and comment, support and/or oppose proposals earlier in the commission's deliberations.
- allow the commission a more efficient opportunity to consider all sides and ramifications of an issue for deliberation.

REDLINE CHARTER MARKUP

It can easily be observed that many recommended changes may be considered “housekeeping,” including updating definitions, adding gender neutral language, and removing departments and facilities that are no longer in existence. These small changes are important to ensure clarity and better alignment with the current reality of county government. When removing sections, the Commission left the number as reserved rather than completely renumbering the Charter.

The 2022-23 Charter Revision Commission respectfully offers the following “red line” changes to the Ulster County Charter for your consideration.

CHARTER REVISION COMMISSION

PROPOSED CHANGES TO THE ULSTER COUNTY CHARTER



REVISION DATE: 9/8/2023

ARTICLE I
Ulster County and Its Government

§ C-1. Title and purpose.

- A. This Charter, together with any and all amendments to it, to be known and cited as the "Ulster County Charter," constitutes the government of Ulster County and provides for its form and functioning. Among other purposes, this Charter seeks to secure County home rule to the greatest extent possible; assure fair elections for County offices and accountability of the County's government to its people; separate the legislative and executive functions and responsibilities in Ulster County government; achieve increased efficiency, economy, equity, effectiveness and responsibility in the operation of the County government; increase fiscal accountability; ensure flexibility in the structure of County government to allow easy adaptability to change; and foster intermunicipal agreements and cooperation.
- B. Except as otherwise provided, no function, facility, duty or power of any city, town, village, school district, or other district, or of any officer thereof, is or shall be transferred, altered, or impaired by this Charter.

§ C-2. County status, powers and duties.

Upon adoption of this Charter, Ulster County shall be and remain a municipal corporation under its same name and shall exercise all of the rights, privileges, functions and powers conferred upon it by this Charter, and any other applicable statute not inconsistent with such Charter. Ulster County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with the provisions of this Charter, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon it.

§ C-3. Charter effect on state laws.

This Charter provides a form for and structure of County government in accordance with the provision of Article 4 of the Municipal Home Rule Law of the State of New York. All special laws relating to Ulster County and all general laws of the State of New York shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by enactment and adoption of this Charter. Within the limits prescribed in Article 4 of the Municipal Home Rule Law, wherever and whenever any state law, general, special, or local in effect, conflicts or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as the County of Ulster and its government are affected.

§ C-4. Charter effect on local laws and resolutions.

- A. All local laws and resolutions, heretofore adopted, which are contrary to or inconsistent with the provisions of this Charter are hereby repealed.
- B. All of the laws of the state relating to the towns, cities, villages or districts of the County of Ulster shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to

Ulster County by the enactment and adoption of this Charter.

§ 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~~Beginning in the year 2030, and at least and every subsequent year thereafter ending in "0" ~~10 5 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~~they 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~~ on or before April 15 in the years ending in "0" 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~~their 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~~two public hearings 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.

§ C-6. Definitions.

Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE — The Administrative Code, if any, which may be adopted by the County Legislature, and any amendments thereto.

ADMINISTRATIVE HEAD — The head of any administrative unit.

ADMINISTRATIVE UNIT — Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of the foregoing.

AUTHORIZED AGENCY — Any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by the County Law, to receive and expend County funds for a County purpose.

CAPITAL PROGRAM — The plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects, and the proposed method of financing. It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:

- A. A description of the proposed project and the estimated total cost;
- B. The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation of duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state government; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and
- C. An estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.

CAPITAL PROJECT —

- A. Any physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired; or

- B. Any preliminary studies and surveys relating to any physical betterment or improvement; or
- C. Land or rights in land; or
- D. Any combination of Subsection A, B or C.

CHARTER — This Ulster County Charter and all its amendments, if any.

~~CLERK — The Clerk of the County Legislature.~~

COUNTY — The County of Ulster.

COUNTY EXECUTIVE — The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

COUNTY LAW — The County Law of the State of New York.

COUNTY LEGISLATURE — The elective legislative, appropriating and policy-determining body of the County of Ulster. Whenever the term "County Board," Board of Supervisors," "County Governing Board" or "elective governing body of the County" is referred to in any law, it shall be deemed to mean and refer to the County Legislature.

~~DEPARTMENT — The administrative unit which is the primary level of County government. Each of those administrative units of the executive branch set forth in Article V to Article XLIV herein.~~

DEPARTMENTAL ESTIMATES – Departmental estimates shall represent the detailed budget requests submitted by each department to the Executive for the development of the Executive’s Proposed Budget. These departmental requests will include any estimates, detail, and supporting documentation provided to justify the departmental requests submitted, and access to any such information in the County’s financial software system.

DEPARTMENT HEAD — The administrative head of any department, and may also be referred to herein as a "commissioner" or "director."

DIVISION — The administrative unit which is the secondary level of County government.

ELECTION LAW — The Election Law of the State of New York.

EXECUTIVE LAW — The Executive Law of the State of New York.

GENERAL MUNICIPAL LAW — The General Municipal Law of the State of New York.

LOCAL LAW — A legislative act of the County Legislature adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance or similar act of the County Legislature.

MUNICIPAL HOME RULE LAW — The Municipal Home Rule of the State of New York.

PUBLIC OFFICE — Any office of federal, state or local government whether elected or appointed.

PUBLIC OFFICERS LAW — The Public Officers Law of the State of New York.

REAL PROPERTY TAX LAW — The Real Property Tax Law of the State of New York.

READ-ONLY ACCESS – Access to County software systems and/or accounts on a view-only or read-only basis, without ability to edit or change data entries.

SECRETARY OF STATE — The Secretary of State of the State of New York.

WHOLE NUMBER — The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.

ARTICLE II
Legislative Branch

§ C-7. County Legislature.

Upon the adoption of this Charter, the elective legislative body of Ulster County shall be the County Legislature of the County of Ulster.

§ C-8. Members; term of office; election.

- A. Effective at the general election of 2011, the County of Ulster shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of the County Legislature. Such persons while holding office shall be known as "Legislators."
- B. The term of office of the members of the County Legislature shall be two years beginning on the first day of January next following their election at the general election held in every odd-numbered year.
- C. No person shall serve as a County Legislator for more than six full terms, unless ~~he or she~~ they have filled an unexpired term prior thereto. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of ~~his or her~~ their first full term of office after the effective date hereof. **[Added 7-16-2019 by L.L. No. 4-2019]**

§ C-9. Qualifications.

- A. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector and resident of the district from which the Legislator is elected, except that for an election immediately following the reapportionment of County legislative districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either ~~his or her~~ their district of residence or any newly drawn district which is contiguous to ~~his or her~~ their district of residence, provided that the County Legislator shall become a resident of the district represented no later than one year after taking office.
- B. No County Legislator shall hold at the same time any other elective public office.

§ C-10. Commission on Reapportionment (Redistricting). [Amended 8-14-2012 by L.L. No. 9-2012¹; 11-6-2018]

- 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

1. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

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 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, 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.

- 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 zero, commence the process for widely soliciting interest in serving on the Commission through 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. The County Executive shall ensure candidates meet the qualifications listed in C-10.A, and have an opportunity to provide demographic information. A report of the process and a list containing the names and contact information of the people in 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.
- C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent the demographic and geographic diversity of the County and shall be made no later than January 1 of each year ending in "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 previously established pool no later than January 15 of each year ending in "1" and shall represent the geographic and demographic diversity of the County. In the event that all of the three additional Commission members are not appointed by the prescribed 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 1 of each year ending in "1." The four newly appointed members will appoint three additional members as set forth above by February 15 of each year ending in "1." In the event that all of the three additional Commission members are not appointed by the prescribed February 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 1 of each year ending in "1."

- (4) In the event that these four Commission members fail to select all of the three additional members by March 15 of each year ending in "1," then by April 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 no later than 15 days after it is fully appointed f for the purposes of receiving its charge and determining how a Chairperson will be selected. The Commission shall decide 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. This decision will continue for the duration of the Commission unless and until changed by majority vote.
- (1) Chairperson and Vice Chairperson by election.
 - (a) 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.
 - (b) 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 divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The Commission shall be solely limited to 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 Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. The Commission shall be guided by the criteria set forth in § C-10A of the County Charter and state law.
 - (2) To the maximum extent practicable, each of the 23 single member legislative districts shall be created, taking into consideration § C-10A of this Charter.
 - (3) The Commission shall hold ~~one or more~~ a minimum of three geographically diverse and duly noticed public hearings, one of which shall be in the County seat, on or prior to May 20 of each year ending in "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 file its plan with the Ulster County Board of Elections on or before July 20 of each year ending in "2."
 - (5) The Commission's 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."
 - (6) The Ulster County Board of Elections shall make adjustments as may be necessary and appropriate to comply with the adopted plan.
- G. The County Legislature shall appropriate such funds as it deems are necessary for the Commission to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission subject to the provisions set forth in this Charter and applicable federal, state, and local laws.
- H. The Reapportionment Commission shall reconvene prior to its dissolution and make changes required by law or court order. The Commission shall be dissolved on the day following the general election in which the adopted plan is first used, years ending in "3."

§ C-11. Powers and duties of Legislature.

The County Legislature shall be the legislative, appropriating and policy-determining

body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, including but not limited to the power:

- A. To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program;
 - B. To exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, legalizing acts, local laws, or resolutions;
 - C. By local law to adopt, amend or repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with this Charter or amendments thereto;
 - D. By local law to create, alter, combine or abolish County administrative units;
 - E. To adopt by resolution all necessary rules and regulations for its own conduct and procedure;
 - F. Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and, upon recommendation of the County Executive, grant to the department head the power to stagger work hours;
 - G. To grant by resolution to officers and employees of the County vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;
 - H. To fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range. Position title(s) for all budgeted county employment positions in Ulster County government shall not be changed or otherwise modified from the position titles set forth in the adopted Ulster County budget, unless such changes or modifications are required pursuant to New York State Civil Service Law, or resolution adopted by the Ulster County Legislature;
 - I. To approve all labor contracts and amendments thereto; **[Amended 8-14-2012 by L.L. No. 9-2012²]**
 - J. To fix the amount of official bonds and undertakings of officers and employees;
 - K. To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses and documents (including digital records and read only access to software licensed by or owned by the County or its component units), administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives; **[Amended 8-14-2012 by L.L. No. 9-2012³]**
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- L. To create and establish the office of deputy or deputies to the head of any department, agency, or administrative unit;
- M. To determine and make provision for any matter of government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this Charter form of government;
- N. To determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes consistent with standards prescribed by the Legislature of the State of New York and file the same in accordance with applicable law;
- O. To approve the execution of all contracts in excess of \$50,000 entered into by the County; and
- P. To appropriate funds for the annual audit of the books and records of the County by independent auditors. [Amended 8-14-2012 by L.L. No. 9-2012⁴]

§ C-11.1. Audit Committee. [Added 8-14-2012 by L.L. No. 9-2012⁵]

There shall be an Audit Committee consisting of seven members: The Chairman of the Legislature or his/her designee will serve on and chair the committee and will appoint two additional members, at least one of whom must be a County Legislator; the minority leader will appoint two members, at least one of whom must be a County Legislator; the County Executive or designee; the Comptroller or designee. The County Executive and the Comptroller shall be nonvoting members. It shall take the affirmative action of three out of the five voting members to act.

- A. The Audit Committee shall:
 - (1) Select the independent auditor to perform the annual audit of the books and records of the County;
 - (2) Select the independent auditor in a fashion consistent with the County's existing procurement policy, and the Audit Committee shall consult with the Director of Purchasing in this respect; and
 - (3) Report the independent auditor's findings to the Legislature, County Executive and County Comptroller.

§ C-12. Submission of enactments for executive approval; veto and veto override.

- A. Except as otherwise provided by this Charter, every local law, legalizing act, or resolution adopted by the County Legislature, except legislative branch appointments not otherwise subject to County Executive approval and resolutions establishing rules and regulations or other matters pertaining solely to the conduct of the Legislature, shall be certified by the Clerk of the Legislature and submitted within five days after passage to the County Executive for the County Executive's

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approval ~~in writing~~ by wet signature.

- B. If the County Executive approves the local law or resolution, ~~he or she~~ they shall sign it and return it to the Clerk of the County Legislature; it shall then be deemed to have been adopted. If ~~he or she~~ the County Executive disapproves the local law or resolution, ~~they~~ he or she shall veto it by returning it within 10 days to the Clerk with ~~his or her~~ their objections stated in writing, or 30 days in the case of a local law. Any resolution not returned within 10 days, or 30 days in the case of a local law, will be deemed to have been adopted. The Clerk shall present the local law or resolution with the County Executive's objections to the County Legislature at its next regular meeting, and these objections shall be entered in the Legislature's record, journal or minutes of proceedings.
- C. Within 30 days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least 2/3 of the whole number of its elected members on a roll-call vote.

§ C-13. Local laws.

- A. Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal local laws by a majority vote of the total number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the State Legislature.
- B. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of referenda in connection therewith, shall be as provided in the Administrative Code or applicable law.
- C. Referenda. Local laws shall be subject to mandatory or permissive referenda when required by this Charter or applicable law.
- D. Effective date. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

§ C-14. Resolutions.

- A. Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the total number of its members. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.
- B. Procedure. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

§ C-15. Confirmation of appointments. [Amended 8-14-2012 by L.L. No. 9-2012⁶]

A proposed appointment or proposed appointments to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the Legislature in writing in sufficient time to allow the Clerk to inform the full Legislature of the proposed appointment or appointments at least 30 days prior to the Legislature's next scheduled meeting. The Legislature shall vote on the confirmation of such individual at its next regular meeting at least 30 days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive for 12 months after the Legislature votes upon the proposed appointment.

§ C-16. Advisory committees, commissions and boards.

Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of this Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex officio of all such committees, commissions and boards.

§ C-17. Organizational meeting.

- A. The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday in January at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or ~~his or her~~their inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk.
- B. At this organizational meeting, the members of the Legislature shall select a Chairman at the call of the Clerk of the Legislature in each year. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.
- C. In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.

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§ C-18. Monthly and special meetings; notice.

The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

§ C-19. Clerk of the County Legislature. [Amended 8-14-2012 by L.L. No. 9-2012⁷; 2-15-2017 by L.L. No. 1-2017]

During the first organizational meeting for each new County Legislature, a Clerk of the County Legislature shall be appointed by resolution by the County Legislature, and such appointed Clerk shall serve for the duration of the appointing Legislature's term. In the event of vacancy, the Legislature shall appoint by resolution a new Clerk of the Legislature. The removal of the Clerk shall only be done by resolution with a favorable vote of at least 3/5 of the whole number of the Legislature. Deputy Clerks and employees of the Legislature shall be appointed in accordance with the Rules of Order of the Legislature.

§ C-20. Counsel to the Legislature; Minority Counsel.

- A. Appointment. There shall be ~~a~~ Counsel to the Legislature who shall be appointed by the Chairman of the Legislature. At the time of ~~his or her~~their appointment, and throughout ~~his or her~~their term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. ~~He or she~~They shall be appointed on the basis of ~~their~~his or her legal experience and other qualifications for the responsibilities of this office. ~~They~~He or she shall be directly responsible to the Chairman of the Legislature and shall serve at the pleasure of the County Legislature.
- B. Duties. The Counsel to the Legislature shall prepare local laws, resolutions, legalizing acts or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairman of the Legislature.
- C. Minority Counsel. There shall also be a Minority Counsel who shall be an attorney at law licensed to practice law in the State of New York and who shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the Legislature. ~~He or she~~They shall be selected by that party's caucus and shall serve at the pleasure of said caucus. [Amended 8-14-2012 by L.L. No. 9-2012⁸]
- D. To advise the Legislature, the Legislature may retain Special Counsel where it deems it necessary notwithstanding the provisions of § C-72 of this County Charter. [Added 8-14-2012 by L.L. No. 9-2012⁹]

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§ C-21. Filling membership vacancies.

A. Within three business days of a vacancy occurring, the Clerk shall submit legal notice of the vacancy to the official newspapers of the County and municipalities located in the district where such vacancy occurred for publication at the first practicable opportunity. Notice of said vacancy shall also be published on the County website and social media channels/platforms.

A.B. A vacancy in the County Legislature shall be filled by appointment by the County Legislature of a qualified elector residing within the district no later than 30 days from the time at which the vacancy occurs. If the appointment is not made within 30 days, a special election shall be conducted to fill the vacancy within 90 days after the vacancy occurs; provided, however, that if there is a scheduled general election within 120 days after said vacancy occurs, the vacancy shall be filled at that general election. A person who fills a vacancy, if appointed or elected at a special election, shall serve until commencement of the calendar year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. A person elected at a general election to fill a vacancy shall serve out the remainder of the term for that seat.

ARTICLE III
Executive Branch

§ C-22. County Executive.

The executive power of the County government shall be vested in a County Executive who, as chief executive, shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by any and all provisions of this Charter and/or by law.

§ C-23. Election and qualifications.

The County Executive shall be elected from the County at large, shall be a qualified elector of Ulster County ~~at for at least three years prior to~~ the time of ~~his or her~~their nomination and election and shall remain a qualified elector of Ulster County throughout ~~his or her~~their term of office. The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.

§ C-24. Term of office. [Amended 7-16-2019 by L.L. No. 4-2019]

- A. The County Executive shall be elected for a three-year term at the regularly scheduled election in the first even-numbered year following the adoption of this Charter, and thereafter every fourth year for a four-year term. The County Executive's term of office shall begin with the first day of January following ~~his or her~~their election.
- B. No person shall serve as County Executive for more than three full terms, unless ~~he or she~~ ~~has~~they have filled an unexpired term prior thereto. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of ~~their~~~~his or her~~ first full term of office after the effective date hereof.

§ C-25. Powers and duties of County Executive.

The County Executive shall be the chief executive of the County. Except as may be otherwise provided in this Charter, ~~he or she~~they shall have and exercise all the executive powers and duties conferred by this Charter and/or in law upon a County executive officer or the executive branch of a County government, and all powers and duties necessarily implied or incidental thereto:

- A. Appoint department heads and other officers and employees as provided in this Charter. Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk and the County Clerk within a period of 120 days from a vacancy in such department or administrative unit, except in the case of the departments of health and social services, in which case such appointment shall be made within 180 days, the County Legislature may appoint such department head or administrative unit head. In no event shall, unless a default occurs in the confirmation process by the County Legislature, any person appointed by the County Executive enter upon ~~his or her~~their office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk; [Amended 8-14-2012 by L.L. No. 9-2012¹⁰]

- B. Supervise, direct and control the administration of all departments;
- C. Appoint, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office as may be authorized by the County Legislature;
- D. Conduct or supervise the conduct of collective bargaining negotiations with legally designated bargaining agents of County employees;
- E. Supervise and direct the internal structure and organization of every unit of the executive branch of the County government;
- F. Reorganize the duties of, create, combine, separate, or eliminate executive departments of the County with the confirmation of the Legislature;
- G. Except as otherwise provided in the Charter or applicable law, supervise the appointment and dismissal of employees;
- H. Except as otherwise provided in this Charter, serve as an ex officio member of and appoint, supervise and terminate all executive committees, commissions and boards needed to assist ~~him or her~~them in the exercise of ~~his or her~~their executive functions and in the planning, formulation and administration of executive ~~policies~~procedures and programs;
- I. Serve as the chief budgetary officer of the County, and as such, prepare and submit to the County Legislature the annual budget, capital program, and accompanying message, all as provided for in Article IV of this Charter, and execute the County budget and capital program in accordance with the resolutions and appropriations made by the County Legislature;
- J. Designate one or more official depositories located within the County for the deposit of County funds;
- K. ~~Himself or herself~~Themselves or through a designee require the submission of regular reports of all County-funded agencies, assuring that publicly provided funds are used by said funded agencies in accord with overall County plans and agreed annually specified goals and objectives for said agencies;
- L. Approve or disapprove the sufficiency of sureties on official bonds and undertakings required to be posted of officers within the Office of the County Executive;
- M. Execute all contracts under the sum of \$50,000 and, with the approval of the County Legislature, all contracts in excess of \$50,000;
- N. Approve or disapprove in writing by wet signature every proposed local law and resolution and the County Budget by specified items, subject to the provisions of § C-12 of this Charter; and
- O. Make such recommendations to the County Legislature with respect to the affairs of the County and its government as ~~he or she~~the County Executive may deem appropriate.
- P. To conduct studies and investigations in furtherance of ~~his or her~~their executive

functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards. [Added 8-14-2012 by L.L. No. 9-2012¹¹]

§ C-26. Appointment of department heads.

- A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at ~~his or her~~their pleasure during ~~his or her~~their term of service, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official.
- B. The appointment by the County Executive of the head of each department or other administrative unit shall, unless otherwise specified in this Charter, be subject to the confirmation by the County Legislature by vote of a majority of the whole number of members elected to that body, taken at a regular or special meeting pursuant to § C-15 of this Charter. [Amended 8-14-2012 by L.L. No. 9-2012¹²]
- C. All appointments, whether or not subject to confirmation of the County Legislature, shall be in writing, ~~signed with wet signature~~ by the County Executive, and filed in the office of the Clerk of the County Legislature within 10 days after the date of appointment. Except as otherwise provided in this Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until ~~his or her~~their successor is appointed and has qualified, or until an interim appointment is made. The County Executive shall notify the Legislature, in writing, within ten (10) days from the date a vacancy occurs in any position appointed by the County Executive, pursuant to this Section.
- D. Upon confirmation by the County Legislature and qualifying for the office, an appointee to a position of head of a department or other administrative unit shall enter upon the duties of that position.
- E. The County Executive may designate a qualified person to serve temporarily or on an interim basis as the head of a department or administrative unit until an appointment is made pursuant to this Charter. [Amended 8-14-2012 by L.L. No. 9-2012¹³]
- F. All other officers and employees of each department or other administrative unit shall be appointed by the head of that department or administrative unit, unless otherwise provided by the Charter.
- G. The County Executive may appoint one person as head of two or more departments or other administrative units or may serve ~~himself or herself~~themselves as the head of one or more administrative units or departments, subject to all requirements in this Charter and/or law as to qualifications.

§ C-27. Deputy County Executive(s).

The County Executive may appoint or designate one or more Deputy County Executive(s), within the limits of appropriation set by the County Legislature, who shall serve at the pleasure of the County Executive. The Deputy County Executive(s) shall

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have the authority to act generally for and in place of the County Executive.

§ C-28. Advisory committees, commissions and boards.

Members of all committees, commissions and boards appointed pursuant to § C-25H of this Charter shall serve at the pleasure of the County Executive without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature; provided, however, that in the case of individuals appointed hereunder for definite terms, no removal shall be made until the person to be removed has been served with notice of the reasons for such removal and given an opportunity to be heard publicly if ~~he or she~~they desires thereon by the County Executive. The decision of the County Executive shall be final.

§ C-29. Acting County Executive. [Amended 8-14-2012 by L.L. No. 9-2012¹⁴]

- A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive in the event that ~~he or she~~the County Executive resigns, dies or certifies in writing and files with the County Clerk a statement that ~~the County Executive~~he or she is unable to perform and/or exercise the powers and duties of the office of County Executive, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Executive, ~~his or her~~their inability to serve is certified by qualified and competent medical authority.
- B. ~~Only persons incumbent in County government may be designated to any list of succession for possible service as Acting County Executive~~a person who is a qualified elector of Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Executive and shall remain a qualified elector throughout the term of office.
- C. If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under § C-29A as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections D, E and F of this section. Should the person designated as the first successor be unable to perform and/or exercise the duties of the office, then the person next designated under § C-29A shall become the Acting County Executive.
- D. If the vacancy in the office of the County Executive occurs ~~more than 180~~on or prior to 21 days before ~~the last day for circulating designating petitions for the next general election~~, then the vacancy shall be filled by the next general election. ~~The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy.~~the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than 90 days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing 30 days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. 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 section shall be borne by the County, except where the special election will be held on the date of a primary election or the next general election.

E.

~~F.—If said vacancy occurs after 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the general election held next thereafter. may be filled by a general election to be held no more than 180 days~~

~~after the vacancy occurs, then no special election shall be held, and the vacancy shall be filled by a general election.~~ The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the ~~vacaney~~election.

~~G.F.~~ At any time during the remainder of the term for which a County Executive was elected after ~~he or she was~~they were found unable to perform and/or exercise the duties of the office by competent medical authority, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office so long as ~~he or she has~~they have not been replaced at a special or general election.

~~H.G.~~ Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for every new County Executive entering into a term thereafter on the first day of such term, be authorized to file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature consisting of a list of one or more names to serve as Acting County Executive. Such list shall take precedence over the first persons initially designated 45 days after the filing of such list. Such list may be modified from time to time, but shall not take effect until the expiration of 45 days the entire duration of which the County Executive who filed such list shall have had to remain in office, or such list shall not otherwise take effect. During such forty five day period, the prior list shall remain in effect. In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive. Every new County Executive entering into a term shall file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and the Clerk of the Legislature consisting of one or more names to serve as Acting County Executive. Such list shall be subject to confirmation by the Legislature. Such list may be modified from time to time subject to confirmation by the Legislature. In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of their office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive.

~~I.H.~~ The Acting County Executive shall have all the powers and perform all the duties of the County Executive. The Acting County Executive shall hold no other elected public office or full-time employment and shall devote full time to the duties of the office.

§ C-30. Removal of County Executive.

The County Executive may be removed from office only in accord with provisions and in the manner provided in the New York State Constitution and the Public Officers Law.

ARTICLE IV
Financial Procedures

§ C-31. Fiscal year.

The fiscal year of Ulster County shall begin with the first day of January and end with the last day of December of each year.

§ C-32. Duties of County Executive.

It shall be the duty of the County Executive to prepare and file the County expense and capital budgets and capital program for each fiscal year in accordance with the provisions of this Charter and applicable state law. Pursuant to this duty, the County Executive shall have the power, personally or through ~~his or her~~their representatives, to require all necessary information from all departments, agencies, offices or units of County government for the purpose of ascertaining and/or assessing their budgetary requirements.

§ C-33. Departmental, agency, office or unit estimates. [Amended 6-16-2020 by L.L. No. 3-2020]

The head of each department, agency, office or unit of County government shall submit to the County Executive, in writing, and through such channels and processes as specified by ~~him or her~~them, an overall estimate for that department, agency, office or unit and estimates by program within that department, agency, office or unit of expected expenses and expected revenues for the next ensuing fiscal year. A copy of said estimates from each department, agency, office or unit shall be simultaneously submitted to the Clerk of the Legislature and the Comptroller upon the proposal of the executive budget. These estimates shall be called "departmental estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department, agency, office or unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department, agency, office or unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be open to public inspection.

§ C-34. Submission of County budget.

- A. On or before the first Friday of October in each year, the County Executive shall submit to the Clerk of the Legislature, for consideration by the County Legislature, a proposed operating and capital budget for the next ensuing fiscal year and a proposed capital program for the next ensuing six fiscal years or other period as may be authorized by law, together with a budget message as provided in § C-35. Upon their submission, the proposed expense and capital budgets, hereinafter called

the "County budget," together with the budget message, shall be posted on the County website and become public records in the office of the Clerk for distribution.

B. The proposed County budget shall be balanced, with projected revenues equaling or exceeding estimated expenses for the next ensuing fiscal year, and shall be presented in three sections, one of which shall set forth the estimated revenues and receipts, one of which shall set forth the estimated expenses, and one of which shall set forth the proposed capital authorizations and expenditures. A statement of actual expenses and actual revenues for the immediately preceding three completed fiscal years, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the proposed County budget, prepared in a format that facilitates year-to-year comparison. The proposed County budget shall present the complete financial plan for the County and its agencies for the next ensuing fiscal year, including setting forth proposed borrowing, if any. An estimate of unencumbered balances at the end of each completed fiscal year, except when otherwise provided by law or appropriated for a capital improvement or other authorized continuing project, shall be treated as revenue for the County budget for the next ensuing fiscal year.

B.C. The proposed County budget shall include economic and revenue forecasting to provide guidance on the current conditions in, and probable outlook for the performance of, the economy of the state and county, as well as the effect of such conditions and such performance on county receipts. The forecasting shall speak to expected tax receipts on an all-funds basis and anticipated miscellaneous receipts to be received in the general fund.

§ C-35. Budget message.

The County Executive shall submit with the County budget a budget message summarizing and explaining the main features of the County budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as ~~he or she~~ they may deem desirable or the Legislature may by resolution require. The County Executive's proposed budget shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital improvement proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

§ C-36. Review of County budget and message.

The Legislature or a committee designated by it will review the County Executive's proposed County budget and budget message and may require attendance of the heads of departments, agencies, offices or units or their representatives and/or their production of records and information in explanation of their departmental estimates as the Legislature shall deem appropriate. The Legislature or a committee designated by it shall prepare a written analysis and review of the County Executive's proposed budget and make it publicly available, including posting it on the County government website, no later than the second Friday of November of each year.

§ C-37. Public hearings on County budget.

Beginning no later than the third Friday of November of each year, the Legislature or a standing Legislative committee designated by the Legislature, shall hold, in at least three geographically dispersed locations in the County, public hearings on the County Executive's proposed County budget, the budget message submitted by the County Executive, the report resulting from the review and analysis of that budget and message by the Legislature or its designated committee. The Clerk of the Legislature shall cause to be posted on the County website published in the official newspaper of the County and such other newspapers as may be designated by the Legislature notices of the places, locations and times when these hearings shall be held, their purposes, a concise summary of the proposed County budget, budget information, together with copies of the proposed budget, the budget message and the report submitted by the Legislature or its committee may be inspected or obtained by any interested person. At least 10 days shall elapse between the publication of a notice and the date specified for any budget hearing. At a budget hearing any person may be heard. Insofar as necessary and practicable within the deadline for the timely final adoption of the County budget, a budget hearing may be adjourned to a date certain or from day to day.

§ C-38. Adoption of County budget.

- A. After the conclusion of the public hearings, the Legislature may strike items of appropriation or anticipated revenue from the proposed County budget or reduce items therein, excepting appropriations required by law for debt service. The Legislature may add items to or increase items in the County budget, provided that such additions or increases are stated separately and distinctly, and so long as projected expenditures and projected revenues in the County budget remain in balance.
- B. The balanced County budget as changed, altered or revised shall be adopted by resolution of the Legislature not later than the second Thursday of December.
- C. If the Legislature takes no action by the second Thursday of December, the budget submitted by the County Executive shall be deemed to be the adopted budget.
- D. If the County budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be adopted.
- E. If, however, the County budget as adopted by the Legislature contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk of the Legislature to the County Executive for examination and reconsideration.
- F. If the County Executive approves all the increases, additions, decreases or deletions, ~~he or she~~they shall affix ~~his or her~~their ~~wet~~ signature to a statement thereof and return the County budget together with such statement to the Clerk of the Legislature, and the County budget, including the increases, additions, decreases or deletions as part thereof, shall be adopted.
- G. If the County budget, with any increases, additions, decreases or deletions, is not returned by the County Executive to the Clerk of the Legislature with ~~his or her~~their objections within five working days after presentation by the Clerk to the County Executive, it shall be deemed adopted, as changed, altered or revised by the

Legislature.

- H. If the County Executive objects to any one or more of the increases, additions, decreases or deletions, the County Executive shall append to the County budget a statement of the increases, additions, decreases or deletions to which the County Executive objects, taking care that ~~his or her~~their proposed changes leave the County budget in balance and setting forth the reasons therefor, and shall, no later than five working days after receipt of the adopted budget from the Clerk of the Legislature, return the County budget with the objections to the Clerk of the Legislature, who shall immediately present them to the Legislature. The Legislature shall thereupon enter the objections upon its records and, not later than the 20th day of December, proceed to reconsider the increases, additions, decreases or deletions to which objection is made by the County Executive. If upon such reconsideration the Legislature, by affirmative vote of at least 2/3 of its elected members, votes to approve any such increases, additions, decreases or deletions, the County budget, with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted as resubmitted by the County Executive so long as balance remains between proposed expenditures and proposed revenues in that budget.
- I. If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.
- J. Copies of the County budget as adopted shall be certified by the County Executive and by the Clerk of the Legislature and shall be filed in the offices of the County Executive and the Clerk of the Legislature. The budget so certified shall be posted on the County website and, at the discretion of the Legislature, printed or otherwise reproduced and copies made available to the public at such cost as the Legislature shall deem appropriate by December 31st of the adopted budget year. Materials posted to the County website annually during the course of preparation of the County budget may not be removed from public access until the certified County budget for the year is posted in accord with the requirements of this section.

§ C-39. Levy of taxes; inclusion of reserve for uncollected taxes.

- A. The net County tax requirement determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the amount of such a sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated expenditures of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year.
- B. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

§ C-40. Budget modification after adoption.

- A. The County Executive shall manage the County's resources to achieve maximum economy, efficiency and effectiveness in County government. Pursuant to this responsibility ~~he or she~~they may, during any fiscal year, transfer part or all of any revenue or expenditure within a program or purpose of any department, agency, office or unit to another program or purpose within that department, agency, office or unit, except that the effect of such a transfer may not be to reduce or increase the rate of pay or annual salary of any County employee. Written notice of such a transfer shall be given to the Legislature.
- B. Upon written request of the County Executive, the Legislature may, during any fiscal year, transfer part or all of any revenue or expenditure from one department, agency, office or unit to another, or transfer part or all of any revenue or expenditure for the purpose of establishing or adding to a new program or programs within or between departments, agencies, offices or units, or transfer funds from a contingency account to a department, agency, office or unit, or change the terms and conditions under which expenditures may be made by a department, agency, office or unit. Any action taken by the Legislature pursuant to this section shall be by resolution subject to the provisions of §§ C-12 and C-14 of this Charter.
- C. If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated source but in excess of the budget estimated for it, before such funds may be expended the County Legislature must make supplemental appropriations for the year, not in excess, however, of such additional revenues, whatever their source.
- D. If, at any time during the fiscal year, it appears that the revenues available will be insufficient to meet amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action already taken by him or her, and ~~his or her~~their recommendations as to further action. The County Legislature shall take the action or actions that it deems necessary and as authorized by this Charter or state law to prevent or minimize any deficit. For purposes of eliminating or minimizing a potential deficit, the Legislature may, by resolution, reduce one or more appropriations, but no appropriation may be reduced by more than the unencumbered balance remaining for that purpose for the year, nor may any appropriation for debt service be reduced.

ARTICLE V
Department of Health

§ C-41. Commissioner of Health or Public Health Director.

- A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. ~~In addition, he or she shall be a licensed physician with experience in public health. He or she~~ They shall be appointed by the County Executive in consultation with the Board of Health and with confirmation by the County Legislature and serve at ~~his or her~~ the County Executive's pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~ they may only be removed for cause after written notice of charges and an opportunity to be heard.
- B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. ~~He or she~~ They shall perform such other and related duties required by the County Executive, and shall be vested with authority, direction and control over the Department of Health, including power to appoint and remove officers and employees within the department.

§ C-42. Board of Health.

- A. Appointment. There shall be a Board of Health consisting of seven members who shall be appointed by the County Executive for a term of five years, subject to confirmation by the Legislature, except that of the members first appointed to the Board of Health following adoption of this Charter, two members shall hold office for the term of one year, two members for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from and after their appointment. Two members shall be physicians. One member shall be a licensed health care professional who is not a physician. One member shall be selected from among three nominees submitted to the County Executive by the Mayor of the City of Kingston. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term in the same manner as specified in this subsection. The members of the County Health Board shall select the Chairman of that Board for a term of one year. No member of the Board of Health shall serve for more than two consecutive terms. Members of the Board of Health shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.
- B. Powers and duties. The Board of Health shall advise the Commissioner of Health or Public Health Director, the County Executive and the Legislature in matters relating to the Department of Health. The members of the Board of Health shall further have the power to inspect and review all facilities and programs of the Department of Health, with or without notice to the Commissioner of Health or Public Health Director, and as it regards as necessary and desirable may report and make recommendations to the County Executive, the County Legislature and

Commissioner of Health or Public Health Director. All such reports shall be public records, posted on the website of the County government and made available for inspection at the offices of the Commissioner of Health or Public Health Director and the County Executive at all reasonable times. The Board of Health shall also advise and consult with respect to all capital projects necessary for the Department of Health. The Board of Health shall have and exercise such other and related duties required by the Legislature or the County Executive.

§ C-43. Medical Examiner.

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s), accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. ~~He or she~~They shall be a physician duly licensed to practice ~~his or her~~their profession in the State of New York and shall:

- A. Be trained to investigate causes of death and order autopsies;
- B. Conduct community education as prescribed by the New York State Department of Health.

ARTICLE VI Department of Mental Health

§ C-44. Commissioner of Mental Health.

- A. There shall be a Department of Mental Health, headed by a Commissioner of Mental Health. The Commissioner of Mental Health shall be experienced in public mental health administration and meet the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. ~~He or she~~They shall be appointed by the County Executive in consultation with the Community Services Board and with confirmation by the County Legislature and serve at ~~his or her~~the County Executive's pleasure.
- B. Powers and duties. Except as otherwise provided in the Charter, the Commissioner of Mental Health shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law. ~~He or she~~They shall perform such other and related duties required by the County Executive, and shall be vested with authority, direction and control over the Department of Mental Health, including power to appoint and remove officers and employees within the department.

§ C-45. Community Services Board.

There shall be a Community Services Board of 15 members who have demonstrated interest in behavioral health services, one member of whom must be a licensed physician and one of whom must be a licensed physician or licensed psychologist. There shall be ~~disability subcommittees of nine members each, three members of whom must also be currently serving Community Service Board members~~ be separate subcommittees for mental health, developmental disabilities, and substance abuse. The number of members comprising each subcommittee shall be set pursuant to Section 41 of New York State Mental Hygiene Law and shall include at least three currently serving Community Service Board members. Members of the subcommittees ~~who~~ shall be appointed by the County Executive after consideration of the recommendations of the Community Services Board for terms of four years, subject to confirmation by the Legislature.

No Board member or subcommittee member shall serve more than ~~eight~~twelve years. The Chairman of the Community Services Board shall be selected by the members of the Board for a term of one year.

- A. The Board shall advise the Commissioner of Mental Health, the County Executive and the Legislature on matters relating to the Department of Mental Health. The members of the Board shall further have the power to inspect and review all facilities and programs of the Department of Mental Health, with or without notice to the Commissioner of Mental Health, and may report and make recommendations to the County Executive, County Legislature and Commissioner of Mental Health. All such reports shall be deemed public records, posted on the website of the County government, and be available for inspection at the office of the Department of Mental Health and the County Executive at all reasonable times. The Board shall also advise and consult with respect to all capital projects necessary for the Department of Mental Health. The Board shall have and exercise such other and related duties required by the Legislature or the County Executive.
- B. If a vacancy shall occur other than by expiration of a term, it shall be filled by the County Executive for the balance of the term in the same manner as the original appointment.
- C. Members of the Community Services Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE VII
Department of Planning

§ C-46. Appointment of Director of Planning.

There shall be a Department of Planning, headed by a Director of Planning. The County Executive shall appoint the Director of Planning from among at least three nominees given ~~him or her~~them by the Ulster County Planning Board, subject to confirmation by the Legislature. The Planning Board may nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. In the event that the County Planning Board fails to bring forward to the County Executive three recommendations for the position within 90 days of the occurrence of a vacancy, the County Executive shall make the appointment on ~~his or her~~their own initiative, subject to confirmation by the Legislature. The Director of Planning shall serve at the pleasure of the County Executive.

§ C-47. Powers and duties of Planning Board and Director.

Except as may otherwise be provided in this Charter, the County Director of Planning and Planning Board shall have all the powers and perform all the duties conferred and/or imposed in the Charter, state law or the County Administrative Code upon a county director of planning or a county planning board. The Director of Planning and/or the County Planning Board shall perform such other and related duties as required by the County Executive or County Legislature and shall be vested with authority, direction and control over the Department of Planning, including power to appoint and remove officers and employees within the department. ~~Other These~~ powers and duties shall include, but not be limited to:

- A. Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;
- B. Preparing and maintaining a comprehensive plan and annual planning program for the County as set forth in § C-52 of this article and attendant provisions of the Administrative Code;
- C. Assisting in the preparation of a capital improvement program as may be set forth in this Charter and attendant provisions of the Administrative Code;
- D. Exercising the powers of review and approval over land use pursuant to § C-51 of this article and attendant provisions of the Administrative Code;
- E. Making available, within constraints of available resources, the professional staff of the Department of Planning for advice regarding planning to the City of Kingston and the towns and villages within the County;
- F. Maintaining basic data on the County's population, land use, housing, environmental status, human and natural resources and other such matters and performing studies, analysis, plans and recommendations as may be necessary in the exercise of the powers and performance of the duties set forth in this article; and
- G. Acting as host board with regard to the Ulster County Transportation Council.

§ C-48. Additional duties of Director of Planning.

The Director of Planning shall:

- A. Exercise the duties and responsibilities accorded ~~him or her~~them under the bylaws adopted by the County Planning Board;
- B. Serve ex officio on the County Environmental Management Council;
- C. Serve ex officio on the County Agricultural Farmland Protection Board; and
- D. Act as liaison between County agencies and nonprofit bodies involved in economic and community development for which the County provides funding.

§ C-49. County Planning Board.

- A. There shall be a County Planning Board consisting of 25 members and associated alternate members. Members and their alternates shall be appointed by the County Legislature to serve for four-year terms. The Town Board or Village Board of each town and village in Ulster County shall recommend for consideration and appointment by the Legislature one person and one alternate from that town or village. The City of Kingston shall recommend for consideration and appointment by the Legislature two persons and two alternates from that city. The County Commissioner of Finance, the Commissioner of Public Works, and the Chairman of the Environmental Management Council shall serve ex officio but shall not have voting rights. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment. The Chairman of the Planning Board shall be selected by the Board from among members nominated by the city, towns, and villages and shall serve a one-year term. If the number of municipalities in Ulster County is reduced or increased, the membership of this Board shall be concomitantly reduced or increased, with members proposed and appointed in the manner described in this section.
- B. An alternate member shall have the right to vote only on the occasion of absence, conflict of interest, or required abstention under law of the member for whom ~~he or she~~they serves as alternate.
- C. Continuation of Board.
 - (1) The terms of existing County Planning Board members shall remain in effect until such time as the member is either reappointed or the term of the member ends; and
 - (2) The term of office of each member of the Ulster County Planning Board, so appointed, shall be for a period of four years and the appointment of a successor to any member of the said County Planning Board shall also be for a term of four years, except that an appointment to fill a vacancy in the office of a member of said County Planning Board occurring by reason of death, resignation or other cause shall be made for the unexpired term of said office.
- D. The members of the Planning Board shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary

expenses incurred in the performance of their duties within appropriations made available for this purpose. The Planning Board may adopt, by a majority vote of its total membership, such additional rules and procedures as are necessary for the efficient and orderly conduct of its business.

§ C-50. Additional powers and duties of Planning Board.

- A. To consult with and advise the Director of Planning in the performance of ~~his or her~~their duties.
- B. To review the capital improvement program ~~prepared by the Department of Planning~~ and guidelines for its preparation; to make written recommendations to the County Executive and the County Legislature on all capital projects contained in the program and on the priority of capital projects in the first year of the program; and to review and make written recommendations on any capital project additions to the capital improvement program or capital budget.
- C. To review the Comprehensive Plan and to submit its recommendations on it to the County Executive and the County Legislature, and to make recommendations on any proposed amendments to that plan prior to action being taken on such amendments by the County government and to review procedural guidelines for the coordination and preparation of the Comprehensive Plan and annual planning program.
- D. To conduct studies and review County policies and standards for inclusion in the Comprehensive Plan and to make recommendations regarding such policies and standards to the County Executive and Legislature as it sees fit.
- E. To have all the powers and duties assigned to a county planning board under Article 12-B of the General Municipal Law. In the event the County Planning Board is unable to fulfill the powers and duties of review of a particular municipal referral due to lack of quorum or inability to convene a timely meeting, the Director of Planning shall be authorized to review proposed actions referenced for inter-community or county-wide considerations subject to the provisions assigned under sections 239-l, 239-m, and 239-n of Article 12-B

§ C-51. Review and approval over land use.

- A. Review of land use and subdivisions. Except as may otherwise be provided in this Charter, the County Planning Board shall possess, exercise and perform all of the powers, functions and duties granted to and imposed upon a County Planning Board under and pursuant to Article 12-B of General Municipal Law as the same may be amended from time to time.
- B. Advisory review on land use. The County Planning Board shall have the power to review, with the right to render advisory reports only, over land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B.
- C. Advisory reviews on actions by County departments and other County agencies. Before adopting any final plans, policies or standards on services or capital facilities and before making any recommendation to the County Legislature on any such plans, policies or standards, on the acquisition or sale of land, on major changes in the use of land or on site plans for any County building or buildings, the respective County department or other County agencies shall refer such proposals to the Director of Planning for a written report of ~~his or her~~their recommendations. The Director of Planning shall prepare and submit ~~his or her~~their recommendation to the

respective department and the County Executive.

§ C-52. Comprehensive Plan and annual planning program.

- A. Comprehensive Plan required. The County shall have and maintain an official plan for the comprehensive social, physical, environmental and economic development of the County, focusing primarily on the services, functions and responsibilities of County government with consideration of regional needs and the official plans of other governmental units and agencies within the County. The contents of the plan may include but shall not be limited to those areas contained in Article 12-B of the General Municipal Law, § 239-d. The County Planning Board shall cause such plan to be developed in conjunction with the County Executive, who shall submit this plan or any of its elements or parts for adoption by the County Legislature. The contents of this plan shall be set forth in the Administrative Code and posted on the County website. The procedures for the preparation, submission and adoption of this plan, and/or any amendments to it, shall be in accordance with General Municipal Law § 239-d.
- B. Intent of Comprehensive Plan. The Comprehensive Plan is intended to serve as a guide for achieving the broad social, physical, environmental and economic development objectives of the County. The plan is intended to give direction to the actions of the County Legislature, and of all County departments and agencies that affect the development of the County, and is intended to guide all official County plans and policies concerning human resources, public safety services, physical and environmental resources and land use. Although the authority of the plan over the actions of local governments and private interests is limited to the authority set forth in General Municipal Law § 239-d, the plan is intended to serve as general guide to these actions as they affect the development of the County. The plan, through its development and continuing amendment, is intended to serve as a means for reviewing, modifying and integrating all plans of local governments and private entities.
- C. Adoption. The County legislative body may adopt by resolution a County Comprehensive Plan or any amendment thereto.
- D. Filing of adopted County Comprehensive Plan. The adopted County Comprehensive Plan and any amendments thereto shall be filed in the office of the County Clerk and a copy thereof filed in the office of the County Planning Board, with the Secretary of State, as well as with the Clerk of each municipality within the County.
- E. Effect of adoption.
 - (1) All County land acquisitions and public improvements, including those identified in the County Official Map adopted or amended pursuant to this article, shall be in accordance with a County Comprehensive Plan, if one exists; and
 - (2) All plans for capital projects of a municipality or state governmental agency on land included in the County Comprehensive Plan adopted pursuant to this section shall take such plan into consideration.
- F. Periodic review. The County Legislative Body shall provide, as a component of such proposed County Comprehensive Plan, the maximum intervals at which the adopted plan shall be reviewed.

ARTICLE VIII
Department of Finance

§ C-53. Commissioner of Finance.

- A. There shall be a Department of Finance under the direction of a Commissioner of Finance. The Commissioner of Finance shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. ~~He or she~~They shall be appointed on the basis of ~~his or her~~their experience and qualifications in financial administration and other specified duties of this office and shall be directly responsible to the County Executive. The Commissioner of Finance shall hold no other elected public office or compensated employment and shall devote full working time to the duties of the office. The Commissioner of Finance must be free from any conflicts of interest, must be capable of providing objective and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties.
- B. Powers and duties. The Commissioner of Finance shall be vested with authority, direction and control over the Department of Finance, have the power to appoint and remove officers therein, and:
- (1) Have charge of the administration of all the financial affairs of the County;
 - (2) Collect, receive, have custody of, deposit and disburse all revenues, fees and other funds of the County or for which the County is responsible;
 - (3) Act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York;
 - (4) Have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Procedure Act of the State of New York, except that any and all fees received in the performance of such duties shall be the property of the County of Ulster;
 - (5) Perform all duties specified in law for County treasurers or other County officers relating to the collection of taxes;
 - ~~(5)~~(6) Act as the enforcing officer of the County for the purpose of the collection of the County's occupancy tax;
 - ~~(6)~~(7) Submit a complete statement of County finance to the County Executive and the County Legislature on or before the first day of ~~March~~May and at such other times as either may require; [Amended 8-14-2012 by L.L. No. 9-2012¹⁵]
 - ~~(7)~~(8) Have all the powers and perform all the duties conferred or imposed by law upon a County Commissioner of Finance and perform such other duties required by the County Executive or County Legislature; [Amended 8-14-2012 by L.L. No. 9-2012¹⁶]
 - ~~(8)~~(9) Be the chief accounting officer of the County; and [Added 8-14-2012 by L.L. No. 9-2012¹⁷]
 - (10) Maintain the financial books and records and perform bank reconciliations for all units of County government unless otherwise required by law; ~~and~~; [Added 8-14-2012 by L.L. No. 9-2012¹⁸]
 - ~~(9)~~(11) Ensure proper segregation of duties within financial procedures.

- C. There shall be, within the Department of Finance, an independent Division of Real Property Tax Service under the direction of a Deputy Commissioner of Finance/Director of Real Property Tax Service, who shall be appointed by the County Executive and serve at the pleasure of the County Executive. At the time of ~~his or her~~their appointment, and throughout ~~his or her~~their term of office, ~~he or she~~they shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the New York State Real Property Tax Law. ~~He or she~~They shall be appointed on the basis of ~~his or her~~their administrative experience and other qualifications for the responsibilities of this office, except that if the Deputy Commissioner of Finance/Director of Real Property Tax Service is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~they may only be removed for cause, after written notice of charges and an opportunity to be heard. **[Added 8-14-2012 by L.L. No. 7-2012]**
- D. The independent Division of Real Property Tax Service shall: **[Added 8-14-2012 by L.L. No. 7-2012]**
- (1) Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law, including but not limited to the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;
 - (2) Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law;
 - (3) Shall perform such other and related duties as required by the County Executive; and
 - (4) On or before March 1 of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the division. The Deputy Commissioner of Finance/Director of Real Property Tax Service shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

§ C-54. ~~Transition~~Reserved.

~~The person serving as County Treasurer immediately prior to the time this Charter takes effect shall serve as Commissioner of Finance until the end of December 31, 2009, at which time the elected office of County Treasurer shall be abolished, and after which the Commissioner of Finance shall be appointed as provided herein.~~

§ C-55. Deputy Commissioners and staff.

The Commissioner of Finance, subject to approval by the County Executive, shall designate in writing, and in order of succession, the deputies and/or assistants who shall be Acting Commissioner of Finance in the event of ~~his or her~~their absence from the County

or inability to perform and exercise the powers and duties of ~~his or her~~their office. That designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession. The Acting Commissioner of Finance shall have all the powers and perform all the duties of the Commissioner.

ARTICLE IX Comptroller

§ C-56. Election; term; qualifications. [Amended 7-16-2019 by L.L. No. 4-2019]

- A. There shall be a Comptroller, who shall be elected from the County at large in each odd-numbered year in which a County Executive is not chosen for a term of four years beginning with the first day of January next following ~~his or her~~their election. At the time of ~~his or her~~their nomination and election, and throughout ~~his or her~~their term of office, the Comptroller shall be and remain a qualified elector of Ulster County. The Comptroller shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.
- B. No person shall serve as Comptroller for more than three full terms, unless ~~he or she~~they ~~has~~ have filled an unexpired term prior thereto. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of ~~his or her~~their first full term of office after the effective date hereof.

§ C-57. Powers and duties. [Amended 8-14-2012 by L.L. No. 9-2012¹⁹]

The Comptroller shall be the chief auditing officer of the County and be vested with authority, direction and control over the department. Except as may otherwise be provided in this Charter ~~he or she~~they shall:

- A. Examine, audit, and verify all books, records, and accounts kept by the administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except where precluded by law. The Comptroller shall have read-only access to all software systems of the County, except where precluded by law. The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1 of each year. The Comptroller shall use risk assessment to identify weaknesses in internal controls and shall summarize improvements in internal controls in an annual audit report to the Legislature and Executive by April 1 of each year;
- B. Procure from the depositories and investments with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and reconcile such statements with the County accounts review bank reconciliations as prepared by the Commissioner of Finance. The Comptroller shall be authorized to have read-only access to all County accounts and shall be provided access to all such accounts at all times.;
- C. Audit records of appropriations, encumbrances, and expenditures, and revenues, and prescribe generally accepted government accounting methods to be used by all units

of County government, unless otherwise required by the State Comptroller;

- D. Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;
- E. Prescribe the form for records of appropriation, encumbrances, journal entries, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;
- F. Audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;
- G. As ~~he or she~~ they determines necessary or appropriate, audit any department, program, ~~or~~ function, public benefit corporations, or component units of County government to assess the degree to which its operation is economical, efficient and/or effective;
- H. To conduct studies and investigations in furtherance of ~~his or her~~ their functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses and documents, including digital records and access to software licensed by or owned by the County, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;
- I. Submit to the County Legislature and Executive, and post on the County website as frequently as ~~he or she~~ they deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed;
- J. Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties ~~required~~ requested by the County Executive or County Legislature.

§ C-58. Deputy Comptrollers and staff.

The Comptroller shall have the power to appoint and remove such Deputy Comptrollers, assistants and employees in ~~his or her~~ the Comptroller's office as shall be authorized by the County Legislature. All such appointees shall be qualified by education and/or experience and shall be directly responsible to, and serve at the pleasure of, the Comptroller, subject to applicable law.

§ C-59. Acting Comptroller.

A. The County Comptroller shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Comptroller in the event that the County Comptroller resigns, dies or certifies in writing and files with the County Clerk a statement that the County Comptroller is unable to perform and/or exercise the powers and duties of the office of County Comptroller, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Comptroller~~Executive~~, their inability to serve is certified by qualified and competent

medical authority.

- B. Only a person who is a qualified elector of Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Comptroller and shall remain a qualified elector throughout the term of office.
- C. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.

§ C-59. Acting Comptroller.

~~The Comptroller shall designate in writing, and in order of succession, the Deputy Comptrollers and assistants who shall be Acting Comptroller in the event of his or herthe Comptroller's absence from the County or inability to perform and exercise the powers and duties of this office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Comptroller filing a new written designation and order of succession. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.~~

§ C-60. Vacancy. [Amended 8-14-2012 by L.L. No. 9-2012²⁰]

- ~~A.— Filling Comptroller vacancy. If a vacancy occurs in the office of the Comptroller of Ulster County for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully qualified by law to hold that office, and meeting the independence standards set forth by the United States Government Accountability Office in that agency's most recent revision of Government Auditing Standards, by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two weeks after the vacancy occurs, and no later than one month after the vacancy occurs.~~
- ~~B.— Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first general election day at which a general election may be held under law to fill this position.~~
- ~~C.— Election; person to serve for duration of unexpired term. The person chosen at general election, held as soon as practicable on a general election day under state law to fill a vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.~~

§ C-60. Vacancy. [Amended 8-14-2012 by L.L. No. 9-2012²⁰]

- A. Filling Comptroller vacancy. If a vacancy occurs in the office of the Comptroller of Ulster County on or prior to 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the next general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy.
- B. If said vacancy occurs after 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the general election held next thereafter.
- C. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy.

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ARTICLE X
Department of Personnel

§ C-61. Personnel Director

- A. There shall be a Department of Personnel, headed by a Personnel Director. The Personnel Director shall be appointed by the County Executive in accord with requirements of education, experience, and other qualifications set out in state law, and subject to confirmation by the County Legislature, except that if the Personnel Director is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~they may only be removed for cause, after written notice of charges and an opportunity to be heard.
- B. Powers and duties. The Personnel Director shall develop and administer a personnel program for the County, be the principal liaison with employee labor unions, advise the County Executive in collective bargaining, and have and exercise all the powers and duties as provided in the Civil Service Law in this state and all the powers and duties conferred or imposed upon ~~him or her~~them by any other law. ~~He or she~~They shall have authority, direction and control over the Personnel Department, have power to appoint and remove officers and employees therein, and also perform such other and related duties required by the County Executive.

ARTICLE XI
Department of Social Services

§ C-62. Commissioner of Social Services.

- A. There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. ~~He or she~~They shall be appointed on the basis of ~~his or her~~their professional experience and other qualifications for the responsibilities of ~~his or her~~their office. ~~He or she~~They shall be directly responsible to and serve at the pleasure of the County Executive, except that if the Commissioner of Social Services is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~they may only be removed for cause, after written notice of charges and an opportunity to be heard.
- B. Powers and duties. Except as may otherwise be provided in the Charter, the Commissioner shall manage and/or supervise all social services ~~institutions~~ programs and facilities owned or operated by the County. In addition, ~~he or she~~they shall have all the powers and perform all the duties conferred or imposed by the State Social Services Law or any other law upon a county commissioner of social services and perform such other related duties required by the County Executive or County Legislature.

ARTICLE XII
Department of Public Works

§ C-63. Commissioner of Public Works.

- A. There shall be a Department of Public Works headed by a Commissioner of Public Works who shall be appointed on the basis of ~~his or her~~their experience and qualifications for office by the County Executive to serve at ~~his or her~~their pleasure, subject to the confirmation by the County Legislature.

- B. Powers and duties. Except as otherwise provided in this Charter, the Administrative Code or state law, the Commissioner of Public Works shall:
- (1) Have all powers and duties of a county engineer and a county superintendent of highways, pursuant to the Highway Law or other applicable law;
 - (2) Have such powers and duties in relation to County facilities for drainage, flood control, sanitation, sewage, or water supply as may be prescribed by the County Legislature;
 - (3) Furnish engineering and other services to the County Legislature, County Executive, the Department of Planning and other County departments as authorized;
 - (4) Have charge of and have the duty of performing such other functions concerning County real and personal property, public works and other matters as the County Executive and Legislature may, from time to time, direct;
 - (5) Have charge and supervision of routine maintenance of equipment, repair and storage buildings and facilities used by the Department, including highway substations, and all parking areas serving these facilities;
 - (6) Have charge and supervision of the design, construction and alteration of the County buildings, parking fields and lots, drives, walks, preserves, beaches, and other public structures and facilities under the jurisdiction of the County;
 - (7) Have charge and supervision of maintenance, repair and alteration of buildings owned or leased by the County, parking fields and lots, drives, walks, preserves, beaches and other public structures and facilities under the jurisdiction of the County, including custodial care; and
 - (8) Except as otherwise provided in this Charter and subject to the requirements of state law, have the authority, direction and control over the Department of Public Works, including the power to appoint and remove all officers and employees of the Department of Public Works.

§ C-64. Acting Commissioner of Public Works.

- A. Subject to approval by the County Executive, the Commissioner of Public Works shall specify in writing, and in order of succession, the Deputy Commissioner or Deputy Commissioners and/or other assistants who shall be Acting Commissioner of Public Works in the event of ~~his or her~~their absence from the County or inability to perform and exercise the powers and duties of ~~his or her~~their office. This specification shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession.
- B. The designated Deputy Commissioner of Public Works shall be Acting Commissioner of Public Works in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of the office for no more than 30 days. If the absence or inability of the Commissioner of Public Works shall extend for over 30 days or in the event there is no designated deputy, an Acting Commissioner of Public Works shall be appointed by the County Executive, subject to the County Legislature's confirmation, for a period not to exceed a total of 180 days in addition to the initial thirty-day period, or for the entire two-hundred-ten-day period as appropriate. If the inability of the Commissioner of Public Works shall extend over 210 days, the County Executive, subject to County Legislature confirmation, shall appoint a Commissioner of Public Works. An Acting Commissioner of Public Works shall file ~~his or her~~their designation and oath of office as such with the County Clerk.

- C. An Acting Commissioner of Public Works shall have all the powers and duties of the Commissioner during the period of ~~his or her~~their designation and until ~~his or her~~their successor shall be appointed and qualified under this section or until a new Commissioner of Public Works is appointed and qualified pursuant to law.

§ C-65. Engineering Division.

There shall be an Engineering Division within the Department of Public Works staffed by licensed mechanical and structural engineers, responsible to the Commissioner of Public Works and under ~~his or her~~their supervision, charged with planning, supervision and oversight of construction and rehabilitation projects for all County highways, structures, water, sewer and flood control projects and other County facilities.

§ C-66. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works and to provide for the enforcement thereof.

ARTICLE XIII
Department of Public Transportation

§ C-67. Director of Public Transportation.

- A. There shall be a Department of Public Transportation, headed by a Director who shall be appointed by the County Executive on the basis of ~~his or her~~their experience and qualifications for office to serve at the pleasure of the County Executive, subject to confirmation by the County Legislature.
- B. Powers and duties. The Director of Public Transportation shall have authority, direction and control over the department, including power to appoint and remove officers and employees within the department, as well as:
- (1) Operate and manage a bus transit system, hereinafter referred to as the "Ulster County Area Transit System," for the County of Ulster;
 - (2) Develop and maintain liaison with other governments, County government agencies, not-for-profit organizations and private carriers regarding the financing, planning, coordination and delivery of transit services to County residents;
 - (3) Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property relating to the Ulster County Area Transit System; and
 - (4) Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.

§ C-68. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for the use of facilities and equipment under the jurisdiction of the Department of Public Transportation and to provide for their enforcement.

ARTICLE XIV
County Attorney

§ C-69. Appointment and qualifications.

There shall be a County Attorney, who shall be appointed by the County Executive subject to confirmation by the County Legislature, and serve at ~~the~~the pleasure of the County Executive. ~~of the County Executive.~~ The County Attorney shall, at the time of ~~his or her~~their appointment and at all times during ~~his or her~~their term of office, be a qualified elector of the County. ~~He or she~~They shall also have been duly admitted to the practice of law in this state and at all times during ~~his or her~~their term of office and shall devote ~~his or her~~their full working time to the duties of the office.

§ C-70. Powers and duties.

The County Attorney shall have authority, direction and control over the department, including power to appoint and remove officers and employees within the County Attorney's Office, as well as:

- A. Be the sole legal advisor for the County;
- B. Advise all County officers, departments, agencies and units in all County legal matters of a civil nature;
- C. Prosecute or defend all actions or proceedings of a civil nature brought by or against the County;
- D. Prepare all necessary legal papers and instruments pertaining to the County government, exclusive of the preparation of local laws, resolutions, legalizing acts or other legislation or memoranda and opinions in support thereof, which fall within the purview of the Counsel to the Legislature; and
- E. Have all the powers and perform all the duties conferred or imposed by law upon a county attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

§ C-71. Assistant County Attorneys.

The County Attorney shall have the power to appoint Assistant County Attorneys as may be authorized by the County Legislature. All Assistant County Attorneys shall serve at the pleasure of the County Attorney.

§ C-72. Special counsel. [Amended 8-14-2012 by L.L. No. 9-2012²¹]

Except as provided in § C-20D, the County Attorney shall have the power to retain special counsel where necessary and within appropriations made therefor by the County Legislature.

ARTICLE XV
Department of Information Services

§ C-73. Director of Information Services.

- A. There shall be a Department of Information Services under the direction of the Director of Information Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at ~~his or her~~their pleasure. The Director of Information Services shall be appointed on the basis of ~~his or her~~their professional training and experience and other qualifications for the responsibilities of that office.
- B. Powers and duties. The Director of Information Services shall be the chief administrative officer of the Department. Except as may otherwise be provided in this Charter, ~~he or she~~they shall have all the powers and perform all the duties conferred or imposed by law upon a county director of information services, have authority, direction and control over the Department of Information Services, have power to appoint and remove officers and employees therein, and shall perform such other related duties required by the County Executive or County Legislature.

ARTICLE XVI
Department of Purchasing

§ C-74. Director of Purchasing.

- A. There shall be a Department of Purchasing headed by a Director of Purchasing who shall be appointed by the County Executive on the basis of ~~his or her~~their experience and qualifications for the office to serve at ~~his or her~~their pleasure, subject to confirmation by the County Legislature.
- B. Powers and duties. The Director of Purchasing shall have authority, direction and control over the Department of Purchasing, have power to appoint and remove officers and employees therein, and:
- (1) In accordance with the requirements for advertising and competitive bidding, authorize all purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for the County;
 - (2) Approve and execute certain contracts as shall be prescribed by the Administrative Code;
 - (3) Establish and enforce suitable specifications and standards for all supplies, materials and equipment to be purchased for the County; and
 - (4) Perform such other and related duties as shall be required and delegated by the County Executive or County Legislature.

ARTICLE XVII
Department of Economic Development²²
[Added 9-17-2019 by L.L. No. 5-2019]

§ C-75. Director of Economic Development.

- A. There shall be a Department of Economic Development under the direction of the Director of Economic Development, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director of Economic Development shall be appointed on the basis of ~~his or her~~their professional training and experience and other qualifications for the responsibilities of that office.
- B. Powers and duties. The Director of Economic Development shall be the chief administrative officer of the Department. Except as may otherwise be provided in this Charter, ~~he or she~~they shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon ~~him or her~~them, have authority, direction and control over the Department of Economic Development, have power to appoint and remove officers and employees therein, and shall perform such other related duties as directed by the County Executive or as appropriated by the County Legislature.

§ C-76. (Reserved)

ARTICLE XVIII
Department of Public Defender

§ C-77. Public Defender.

- A. There shall be a Department of Public Defender under the direction of a Public Defender, who shall be appointed by the County Executive subject to confirmation by the County Legislature and serve at ~~his or her~~the County Executive's pleasure. At the time of ~~his or her~~their appointment, the person appointed as Public Defender shall have been duly admitted to the practice of law in this state for at least five years, and throughout ~~his or her~~their term of office, the Public Defender shall be and remain duly licensed and entitled to practice law in the State of New York. ~~He or she~~They shall be appointed on the basis of ~~his or her~~their legal experience and other qualifications for the responsibilities of his office and devote ~~his or her~~their full working time to the duties of the office.
- B. The Public Defender shall have authority, direction and control over the Department of the Public Defender, and shall:
- (1) Provide legal representation, without charge, as directed by a court of appropriate jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime, or who are entitled to assigned counsel pursuant to the Family Court Act or other statutory provision;
 - (2) Except as otherwise provided in this Charter, have all the powers and perform all the duties conferred or imposed by law upon ~~his or her~~their office; and
 - (3) Perform such other and related duties required by the County Executive or County Legislature.

§ C-78. Deputy and Assistant Public Defenders and staff.

The Public Defender shall have the power to appoint such Deputy and Assistant Public Defenders, investigators and employees of ~~his or her~~their Department as shall be authorized by the County Legislature. At the times of their appointments, and throughout their terms of office, all Deputy and Assistant Public Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant Public Defenders, investigators and employees of the Department shall be directly responsible to, and serve at the pleasure of, the Public Defender, except as otherwise provided by the Charter, Administrative Code or applicable law.

§ C-79. Acting Public Defender.

The Public Defender, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant Public Defenders who shall be Acting Public Defender in the event of ~~his or her~~the Public Defender's absence from the County or inability to perform and exercise the powers and duties of ~~his or her~~their office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Public Defender filing an approved new written designation and order of succession. The Acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

§ C-80. Special counsel.

The Public Defender shall have the power to retain special counsel where necessary and within appropriations made therefor.

ARTICLE XIX
County Clerk

§ C-81. Election and qualifications.

There shall be a County Clerk who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following ~~his or her~~their election. The County Clerk, at the time of ~~his or her~~their election and at all times during ~~his or her~~their term of office, shall be a qualified elector of the County and shall devote ~~his or her~~their full working time to the duties of the office.

§ C-82. Powers and duties.

The County Clerk shall:

- A. Have and exercise all powers and duties conferred or imposed upon ~~him or her~~them by law and perform such other and related duties required by the County Executive or the Legislature;
- B. Appoint such deputies, officers and employees of the Department as may be authorized by resolution of the County Legislature; and
- C. Serve as the County's records management officer, or such successor office as may be established under state law, with all powers and duties of such office, and in this capacity provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature.

ARTICLE XX
Sheriff

§ C-83. Election and qualifications.

There shall be a Sheriff who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following ~~his or her~~their election. The Sheriff, at all times during ~~his or her~~their term of office, shall be a qualified elector of the County and shall devote ~~his or her~~their full working time to the duties of the office.

§ C-84. Powers and duties.

The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature, or order or direction of the County Executive, not inconsistent with those powers and duties vested in ~~his or her~~their office under the laws and constitution of New York State.

§ C-85. Undersheriff.

Within 10 days after entering upon the duties of the office, the Sheriff shall appoint an Undersheriff to serve at the pleasure of the Sheriff as provided by law. The Undersheriff,

at all times during ~~his or her~~their term of office, shall be a qualified elector of the County and shall devote ~~his or her~~their full working time to the duties of the office.

§ C-86. Deputies.

The Sheriff shall have the power to appoint such deputies as may be authorized by the County Legislature, subject to the requirements of law and contract.

ARTICLE XXI
District Attorney

§ C-87. Election and qualification.

There shall be a District Attorney who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following ~~his or her~~their election. The District Attorney shall, at the time of ~~his or her~~their election and at all times during ~~his or her~~their term of office, be a qualified elector of the County, fully admitted to the practice of law in this state, and devote ~~his or her~~their full working time to the duties of the office.

§ C-88. Powers and duties.

The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties conferred upon ~~his or her~~their office under the laws and constitution of New York State. He or she They shall have authority and control over the District Attorney's Office, including the power to appoint and remove officers and employees therein.

§ C-89. Assistant District Attorneys.

The District Attorney shall have the power to appoint Assistant District Attorneys as may be authorized by the County Legislature. All Assistant District Attorneys shall serve at the pleasure of the District Attorney.

ARTICLE XXII
Fire Coordinator and Fire Advisory Board

§ C-90. Fire Coordinator.

- A. Appointment. There shall be a Fire Coordinator who shall be appointed by and serve at the pleasure of the County Executive. ~~He or she~~They shall be appointed based upon ~~his or her~~their education, experience and qualifications to perform the duties of the office, subject to the confirmation of the County Legislature.
- B. Powers and duties. The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen are required. ~~He or she~~They shall act as the chief liaison between the County government and the fire-fighting forces in the County and their governing boards and bodies and shall perform such other duties as the County government may require or the County Executive may direct.

§ C-91. Fire Advisory Board.

There shall be a County Fire Advisory Board, which shall be appointed as provided by law. Members of the Fire Advisory Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE XXIII
Office for the Aging

§ C-92. Director of the Office for the Aging.

- A. There shall be an Office for the Aging, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive. ~~He or she~~They shall be appointed based upon ~~his or her~~their education, experience and qualifications to perform the duties of the office and subject to the confirmation of the County Legislature.
- B. Powers and duties. The Director of the Office for the Aging shall have all the powers and perform all the duties now or hereafter conferred or imposed upon ~~him or her~~them by law, have authority, direction and control over the Office of the Aging including power to appoint and remove officers and employees therein, and perform such other and related duties required by the County Executive or County Legislature.

ARTICLE XXIV
Department of Weights and Measures~~Consumer Fraud Bureau~~

~~§ C-93. Director of Consumer Affairs.~~

~~There shall be a Consumer Fraud Bureau headed by a Director of Consumer Affairs who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of said office, subject to confirmation by the County Legislature, and serve at his or her pleasure. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.~~

~~§ C-94. Director of Weights and Measures.~~

~~The Director of Consumer Affairs shall serve ex officio as the Director of Weights and Measures and shall have all the powers and perform all the duties now or hereafter conferred or imposed on this office by law.~~

§ C-93 Director of Department of Weights and Measures

- A. There shall be a Department of Weights and Measures, headed by the Director of Weights and Measures, who shall have all the powers and perform all the duties now or hereafter conferred or imposed on this office by law, so long as they meet all of the qualifications and is duly certified to act in that capacity. They shall be appointed by the County Executive with confirmation by the County Legislature and serve at the County Executive's pleasure.
- B. Powers and duties. The Director of Weights and Measures shall have and exercise all the powers and duties now conferred or imposed upon a county sealer by applicable law and

perform such other and related duties as shall be required of them pursuant to law or delegated to them by the County Executive.

§ C-94 [Reserved]

ARTICLE XXV
Veterans' Service Agency

§ C-95. Director of Veterans' Service.

There shall be a Veterans' Service Agency headed by a Director of Veterans' Service who shall be appointed by the County Executive on the basis of ~~his or her~~their education and experience qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and serve at the County Executive's pleasure. ~~He or she~~They shall have all the powers and perform all the duties now or hereafter conferred or imposed upon ~~him or her~~them by law, have authority, direction and control over the Veteran's Service Agency, including power to appoint and remove officers and employees therein, and perform such other and related duties required by the County Executive or County Legislature.

ARTICLE XXVI
Department of Probation

§ C-96. Director of Probation.

There shall be a Department of Probation, headed by a Director of Probation. The Director shall be appointed by the County Executive subject to the confirmation of the County Legislature, in accordance with Executive Law.

ARTICLE XXVII
Board of Elections

§ C-97. Appointment; term; powers and duties.

There shall be a Board of Elections, whose members shall be appointed by the County Legislature in the manner provided by law, and who shall serve at its pleasure unless otherwise required by law. The Board's powers and duties shall be as provided by law.

ARTICLE XXVIII
County Jury Board; Commissioner of Jurors

§ C-98. Powers and duties.

There shall be a County Jury Board and a Commissioner of Jurors, appointed pursuant to law, who shall have and exercise all the powers and perform all the duties now or hereafter conferred or imposed upon them by law. The Commissioner shall serve as an officer of the Court and formulate panels of grand and trial jurors, maintain jury service records and initiate action to sanction jurors who violate the law.

ARTICLE XXIX

ARTICLE XXIX

[Reserved] Department of Residential Health Care Facilities

§ C-99. Director of Residential Health Care Facilities.

- A. ~~There shall be a Department of Residential Health Care Facilities headed by a Director. The Director of Residential Health Care Facilities shall have the qualifications of a nursing home administrator. She or he shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.~~
- B. ~~Powers and duties. The Director shall have and exercise all powers and duties heretofore or hereafter lawfully granted or imposed by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable her or him to manage and supervise the Golden Hill Health Care Center and/or any other similar institution of the County.~~

§ C-99. [Reserved]

ARTICLE XXX

Commission Department of Human Rights

§ C-100. Commissioner-Director of Human Rights.

- A. ~~There shall be a Commission-Department of Human Rights headed by a Director Commissioner of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at ~~his or her~~the County Executive's pleasure. The Commissioner Director shall have authority, dominion and control over the department, and have the power and authority to appoint and remove officers and employees therein. The Director shall serve as an ex officio non-voting member of the Human Rights Commission.~~
- B. Powers and Duties. The Director of Human Rights shall have managerial responsibility for the Department and administrative responsibility for the Commission of Human Rights. In consultation with the Commission, the Director shall recommend policies and programs to address discrimination in employment, housing, public accommodation, education, and credit; expand public education and awareness of human rights; and foster harmony between the diverse communities within Ulster County.

§ C-101. ~~Membership; duties; appointments; terms of office.~~ The Commission of Human Rights.

- A. ~~The~~ There shall be a Commission of Human Rights that shall be constituted in accordance with and exercise the powers and duties specified in Article 12-D of the General Municipal Law and other related duties required by the County Executive and/or the County Legislature.
- B. The Commission of Human Rights shall have 11 members appointed to terms of three years, three members of which shall be appointed by the legislative Chairperson, three members by the legislative minority leader, and ~~five-three~~ members by the County Executive, with the remaining two members chosen by the appointed members of the Commission. The Commissioners will select a

Chairperson from among their members at the first meeting of each calendar year, one of which shall be designated by him or her as the Commission Chairperson. Appointments shall be representative of the various religious, racial, ethnic and nationality groups in Ulster County's communities. Appointments shall be representative of the diversity in Ulster County's communities. Consideration shall be given but not be limited to representation of gender, gender identity, racial, ethnic, socioeconomic, age, cultural, religious, geographic, and disability diversity. No member of the Commission of Human Rights shall serve more than four consecutive terms of three years. [Amended 8-14-2018 by L.L. No. 4-2018; 4-20-2021 by L.L. No. 3-2021]

§ C-102. Authority of Commission. [Amended 8-14-2018 by L.L. No. 4-2018]

- A. The Commission of Human Rights shall have all of the authority, powers, duties and obligations expressly set forth in Article 12-D of the General Municipal Law, and shall also have the authority to engage in processes of conference, conciliation and persuasion, with the active assistance of the New York State Division of Human Rights ("State Division"), if needed, in the mediation and solution of complaints within the jurisdiction of the State Division, so as to amicably resolve such complaints, reduce tensions, build consensus, and foster harmony between the various and diverse communities within Ulster County and to otherwise report, but not initiate, any such complaints to the State Division, and shall also have the authority to create bylaws for its own governance, proceedings and activities, but shall not exercise any powers, duties or obligations not otherwise expressly set forth in General Municipal Law Article 12-D.
- B. The Commission is authorized to receive complaints of all persons in Ulster County with claimed human rights violations arising under any New York State, federal or local human rights law or regulation occurring in Ulster County and to engage all interested parties who consent to do so in an effort to mutually resolve such complaints through mediation and conciliation before the Commission or its authorized designee. In the event that no members of the Commission are able or willing to engage in mediation or conciliation of a given complaint as in the case of a conflict of interest then, subject to legislative appropriation sufficient to pay the expense thereof in a sum not to exceed \$10,000 per year, such complaints may be referred upon consent of all parties to the complaint, to an accredited community dispute resolution center within Ulster County operated under the auspices of Article 21-A of the Judiciary Law for the sole purpose of conducting such a nonbinding mediation and conciliation as specified herein.
- C. The Commission or its authorized designee shall actively monitor and assist persons with such claimed human rights violations through the process administered by the State Division, or pursuant to § C-101B hereof by the local Hearing Officer, for such claims that have not been successfully resolved by the Commission, or its authorized designee, through mediation and conciliation at the local level should such persons elect to file a discrimination claim with the State Division or the local Hearing Officer. The assistance rendered under this subsection shall not include the rendering of legal advice or legal representation to any party.
- D. The Commission or its authorized designee shall maintain records of all complaints received by it during each calendar year and shall make a report to the County Legislature by March 31 of each year summarizing the number, type and disposition of such complaints. Such annual report shall not include names or personal identifying information of any party.

ARTICLE XXXI
County Historian

§ C-103. Appointment; powers and duties.

There shall be a County Historian who shall be appointed by the County [ExecutiveClerk](#) pursuant to New York State Arts and Cultural Affairs Law, subject to confirmation by the County Legislature. The County Historian shall preserve, interpret and promote the history of Ulster County and shall have all the powers and perform all the duties conferred or imposed by applicable law.

ARTICLE XXXII
Ulster County Community College

§ C-104. Continued operation; Board of Trustees.

Ulster County Community College, heretofore established pursuant to the Education Law of the State of New York, shall continue to operate in accordance with all applicable laws of the State of New York and additionally with applicable provisions of this Charter. The Board of Trustees shall continue as provided by law, except that the power of appointment of those Trustees authorized by state law to be appointed by the local sponsor is transferred to and shall be exercised by the County Executive, subject to confirmation by the County Legislature. Members of the Ulster County Community College Board of Trustees shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE XXXIII
Board of Ethics

§ C-105. Purpose and intent.

Ethical conduct by public officers and employees assures public confidence in County government. In addition to and not in any way in conflict with germane provisions of Article 18 of the General Municipal Law of New York State or any other general or special state law relating to ethical conduct and interest in contracts of municipal officers and employees, this article, the Ulster County Ethics Law (Code Chapter 44), and attendant provisions of the County Administrative Code provide rules of ethical conduct for the officers and employees of the County of Ulster and methods for assuring adherence to them.

§ C-106. Prior Board dissolved.

The Board of Ethics as provided for in Ulster County Charter § C-106 and Administrative Code § A33-2, as amended August 14, 2012, by Local Law No. 9-2012, shall be dissolved and reestablished under the terms and conditions provided for by Local Law 2 of 2022, the Ulster County Ethics Law (Code Chapter 44).

§ C-107. Governing provisions as reestablished by Local Law 2 of 2022, the Ulster County Ethics Law.

Membership, qualification, term of office, vacancies, removal, compensation, hiring of staff and consultants, organization and meeting requirements, and powers and duties of

the Board of Ethics as reestablished by Local Law 2 of 2022, the Ulster County Ethics Law (Code Chapter 44), shall be governed by the terms of the said Local Law 2 of 2022, the Ulster County Ethics Law (Code Chapter 44).

ARTICLE XXXIV Periodic Compensation Review Committee

§ C-108. Establishment; membership; compensation.

There is hereby established a Periodic Compensation Review Committee for Ulster County. The Committee shall consist of five members of whom three members shall be selected by the County Legislature with at least one member from the party with the second most number of legislative members. Two Committee members, not of the same political party, shall be appointed by the County Executive. Initial appointments to the Committee shall be made no later than April 1 in the year after this Charter is first effected. As soon as practicable after April 1 of the year, members shall be called together by the County Executive to select a Chairman from amongst their number. No member of the Periodic Compensation Review Committee shall hold an elected or appointed position in Ulster County or be compensated in whole or in part from County funds at the time of ~~his or her~~their appointment and during ~~his or her~~their term of membership. ~~Any person previously employed by the County shall be prohibited from serving on the Periodic Compensation Review Committee for a period of four (4) years from cessation of employment.~~ Members of the Compensation Review Committee shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-109. Terms of office; limits of service; filling vacancies.

One executive appointee of the Periodic Compensation Review Committee shall serve an initial term of two years and the other an initial term of three years, with appointments thereafter being for a term of three years. One legislative appointee to the Committee shall serve for an initial term of one year, one for an initial term of two years and one for an initial term of three years, with appointments thereafter being for a term of three years. No Committee member shall serve more than eight years. Appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term shall be made for the unexpired term. Vacancies shall be filled and the appointments of successors shall be made by the appointing authority responsible for the original appointment.

§ C-110. Duties. [Amended 6-21-2016 by L.L. No. 2-2016]

At the call of its Chairman, the Committee shall review the salaries of all elected officials of the County of Ulster at least every second year after its first meeting. In the course of its deliberations, the Committee shall hold at least one public hearing and shall otherwise provide ample opportunity for public comment. The Committee shall provide its recommendations and the rationale for them to the County Executive and the County Legislature no later than June 30 of the same year in which it convened, except that the Committee shall not make recommendations concerning compensation of elected officials for whom, by law or judicial determination, the County Legislature does not have the power to fix compensation. Immediately upon their delivery to the County Executive and the County Legislature, the recommendations of the Committee shall be filed with the Clerk of the Ulster County Legislature and posted on the County website. ~~All changes in salaries for elected officials shall be made by local law~~The recommendations of the Commission shall be incorporated into the County Executive's

[next proposed budget unless previously adopted by local law.](#)

ARTICLE XXXV
Environmental Management Council

§ C-111. Membership; terms of office; limits of service; compensation. [Amended 10-21-2014 by L.L. No. 5-2014]

There shall be an Ulster County Environmental Management Council comprised of one member from each city, town and village environmental council and commission within the County, nominated by the governing body of that city, town or village and appointed by the County Executive with the confirmation of the Legislature for a term of three years, and up to an equal number of at-large appointees appointed by the County Executive with the confirmation of the Legislature for a term of three years, and the County Director of Planning [and Director of the Department of the Environment](#), serving ex officio, [non-voting](#). The presiding officer of the Environmental Management Council shall be chosen annually by its members from among their members but shall not be an employee of the County of Ulster. Members of the Ulster County Environmental Management Council shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-112. Powers and duties.

Except as otherwise provided in this Charter, the Ulster County Environmental Management Council shall:

- A. Advise the County Executive and the County Legislature on all matters affecting the preservation, conservation and ecologically suitable use of the natural resources of the County;
- B. Review the condition of the County environment as a whole and prepare and submit an annual report of its findings to the County Executive and the County Legislature, which report shall also include an account of the Council's activities and accomplishments based on accurate records of its meetings and other works;
- C. In cooperation with the County Planning Agency and other appropriate agencies, prepare a plan for the protection of the County's environment and the management of its natural resources. To the extent practicable, the preparation, content and subsequent revision, if any, of the County environmental plan shall be coordinated with the state environmental plan and a copy of this County plan and any subsequent revisions of it shall be filed with the State Commissioner of Environmental Conservation;
- D. Investigate and recommend to the County governing body ecologically sound methods for use of the County's resources; and
- E. Cooperate with and assist such other governmental or nongovernmental boards or organizations on the preparation of plans or reports or review of proposals or applications as the County may direct.

ARTICLE XXXVI
Department of Emergency Communications/Emergency Management

§ C-113. Director Emergency Communications/Emergency Management; Office

of Civil Defense.

- A. There shall be a Department of Emergency Communications/Emergency Management headed by a Director of Emergency Communications/Emergency Management appointed on the basis of ~~his or her~~their experience and qualifications for the duties of the office by the County Executive to serve at ~~his or her~~their pleasure, subject to the confirmation by the County Legislature. The Department of Emergency Communications/Emergency Management shall be the Office of Civil Defense for the County of Ulster.
- B. Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of Emergency Communications/Emergency Management shall:
- (1) Have charge and supervision of emergency services dispatching and disaster preparedness;
 - (2) Assist the County Executive and the County Legislature as required and directed in fulfilling their responsibilities in the area of disaster preparedness under the Executive Law or any other law, rule or regulation;
 - (3) Act in accordance with Civil Service Law, have the authority, direction and control over the department, including the power to appoint and remove all officers and employees of the Department of Emergency Communications/Emergency Management;
 - (4) Have charge and supervision over the preparation of the departmental budget and the expenditure of departmental funds;
 - (5) Have responsibility for operation of 911 services;
 - (6) Direct the administrative activities of the Department;
 - (7) Have necessary powers and duties of the County Director of Civil Defense as provided by the New York State Defense Emergency Act; and
 - (8) Have charge of and have the duty of performing such other related functions and other matters as the County Executive may from time to time direct.

§ C-114. Deputy or Assistant Directors.

- A. The Director of Emergency Communications/Emergency Management shall have the power to appoint one or more Deputy Directors or Assistant Directors within the limits of appropriations provided for this purpose.
- B. Deputy or Assistant Directors shall perform duties pertaining to the Department of Emergency Communications/Emergency Management as the Director may require and shall act generally for and in the place of the Director, performing other duties as the Director of Emergency Communications/Emergency Management may assign.

**ARTICLE XXXVII
Intermunicipal Relations**

§ C-115. Contracts with public corporations and authorities; implementation.

The County shall have the power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation, or with any

public authority or combination thereof, for the cooperative or joint establishment, maintenance, and operation of any facility and the provision of any service that each of the contracting parties would have legal authority to establish, maintain, operate, or provide for itself. The costs, expenses, and charges for central facilities and administrative services connected with intergovernmental collaborative activities shall be shared by all contracting parties. The provisions of this article shall be implemented pursuant to Article 5-G of General Municipal Law of the State of New York, unless and until the Ulster County Legislature shall, by local law, provide for an alternative method.

§ C-116. Intermunicipal Collaboration Council.

- A. There shall be a nine-member Intermunicipal Collaboration Council established whose purpose is to advance communication, coordination and collaboration among the local governments in Ulster County so as to achieve greater economy, efficiency, equity, effectiveness and responsiveness of public service. [Amended 6-10-2009 by L.L. No. 5-2009]
- B. Membership of the Intermunicipal Collaboration Council shall include the County Executive, the Chairman of the Ulster County Legislature, the majority leader of the Ulster County Legislature or ~~his or her~~their respective designee, the minority leader of the Ulster County Legislature or ~~his or her~~their respective designee, the Mayor of the City of Kingston or ~~his or her~~their respective designee, a representative of the Ulster County Board of Cooperative Educational Services (BOCES), one community member, appointed by the County Executive, and two representatives of the Ulster County Town Supervisors' Association to be selected by the Association. Any designee appointed by the majority or minority leader pursuant to this subsection shall be a member of the Legislature. Any designee appointed by the Mayor of the City of Kingston pursuant to this subsection shall be a duly elected official. Designations shall be in writing and filed with the Clerk of the Legislature. [Amended 6-10-2009 by L.L. No. 5-2009]
- C. The Council shall meet at the call of the County Executive, or upon the call of a majority of the Council members, but no fewer than two times annually, to consider matters or issues that might be brought before it by any member and to take initiatives designed to advance its objectives. [Amended 8-14-2012 by L.L. No. 9-2012²⁴]

ARTICLE XXXVIII

Department of Employment and Training

§ C-117. Director of Employment and Training.

- A. A Department of Employment and Training shall be headed by a Director of Employment and Training who shall be appointed by the County Executive based on ~~his or her~~their experience and qualifications to perform the responsibilities of office, subject to the confirmation by the County Legislature. ~~He or she~~They shall serve at the pleasure of the County Executive.
- B. Powers and duties. In accord with the requirements of state and local law, ~~he or shethey~~ shall conduct training programs for dislocated workers and low-income and otherwise disadvantaged adults and youths so as to simultaneously improve their life chances and meet the needs of employers, thus strengthening the County economy. ~~He or she~~They shall have all other powers and perform all other duties now and hereafter conferred or imposed upon ~~him or her~~them by law, have

authority, direction and control over the Department of Employment and Training, including power to appoint and remove officers and employees therein, and shall perform such other and related duties required by the County Executive or County Legislature.

ARTICLE XXXIX
Department of Tourism

§ C-118. Director of Tourism.

- A. There shall be Department of Tourism headed by a Director of Tourism who shall be appointed by the County Executive based on ~~his or her~~their experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at ~~his or her~~the County Executive's pleasure.
- B. Powers and duties. ~~He or she~~They shall promote all of Ulster County's tourism sites, attractions and events with a view toward strengthening the economy of Ulster County. ~~He or she~~They shall also have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~them by law, have authority, direction and control over the Department of Tourism, including the power to appoint and remove officers and employees therein, and perform other and related duties required by the County Executive and County Legislature.

ARTICLE XL
Traffic Safety

§ C-119. Coordinator of Traffic Safety.

- A. Appointment; term. There shall be a Coordinator of Traffic Safety who shall be appointed by the County Executive based on ~~his or her~~their experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at ~~his or her~~the County Executive's pleasure.
- B. Powers and duties. The Coordinator shall be responsible for the development and coordination of local programs which promote the safety and efficacy of traffic and transportation, including pedestrian and nonmotorized transport, and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~them by law and perform other and related duties required by the County Executive and County Legislature.

§ C-120. Traffic Safety Board.

- A. There shall be a Traffic Safety Board which shall exercise all powers and duties set forth in Article 43 of Vehicle and Traffic Law and heretofore or hereafter lawfully granted or imposed by this Charter, local law, resolution of the County Legislature, or by applicable law not inconsistent with this Charter. The Traffic Safety Board shall consist of 12 persons appointed for terms of three years by the County Executive, subject to the confirmation of the County Legislature, except that four members will be initially appointed to a term of one year and four members to a term of two years. Members shall be residents of and qualified electors in the County. At least one but not more than three members shall be resident(s) in the City of Kingston. The Traffic Safety Board shall elect annually a Chairman, Vice Chairman, and a Secretary from its members as provided in Article 43 of Vehicle

and Traffic Law. The Coordinator of Traffic Safety shall serve on the Traffic Safety Board ex officio.

- B. The Traffic Safety Board shall advance traffic and transportation safety, including pedestrian and nonmotorized transport, through study, advocacy and public education in accord with the provisions of the New York State Vehicle and Traffic Law and local law and perform other duties that may be assigned to it by the County Executive and the Legislature. The Board shall further prioritize safety concerns based on relative risk to people using major modes of transportation such as walking, cycling and/or other nonmotorized and motorized transport.
- C. Members of the Traffic Safety Board shall receive no compensation for services but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriation made for such purposes.

ARTICLE XLI Youth Bureau

§ C-121. Director of the Youth Bureau.

- A. There shall be a Youth Bureau headed by a Director who shall be appointed by the County Executive based on ~~his or her~~their education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.
- B. Powers and duties. The Director of the Youth Bureau shall have managerial responsibility for the department and, with the advice and assistance of the Youth Board, recommend policies that promote youth development and prevent delinquency, plan and coordinate activities devoted to the well-being and protection of all youth in Ulster County, and expand public awareness of youth issues. ~~He or she~~They shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~them by law, have authority, direction and control over the Youth Bureau, including power to appoint and remove officers and employees therein and perform such other and related duties required by the County Executive and County Legislature.

§ C-122. Deputy Director.

The ~~Deputy~~ Director of the Youth Bureau shall have the power to appoint a Deputy Director of the Youth Bureau, be appointed by the Director, in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of ~~his or her~~their education and experience. ~~He or she~~They shall possess the powers and perform the duties of the Director of the Youth Bureau during the absence or inability of such Director to act or in the case of a vacancy in the office of the Director, until a successor is selected and has qualified.

§ C-123. Youth Board.

- A. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as "Commissioners of the Youth Bureau of the County of Ulster" and shall receive no compensation for their services or activities except for actual and necessary

expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or ~~his or her~~their representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Bureau.

- B. Powers and duties. The Youth Board shall propose policies, programs and recommendations to the Director of the Youth Bureau, the County Executive and the Legislature regarding measures most suitable to supplement, aid and coordinate the work and activities of all public and private agencies, including religious and social institutions, seeking to prevent delinquency and youth crime, to advance the moral, physical, mental and social well-being of the youth of this County, and to encourage the County's local governments to take an interest in the well-being of youth.

ARTICLE XLII

Department of Community Corrections

~~§ C-124. Director of Community Corrections.~~

~~A.— Appointment; term. There shall be Department of Community Corrections headed by a Director of Community Corrections who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive.~~

~~B.— Powers and duties. The Director of Community Corrections shall:~~

- ~~(1) In accord with applicable state and local law, have charge and supervision of the Department of Community Corrections to ensure its effective and efficient operation to reduce reliance on unnecessary incarceration in a manner consistent with public safety; provide a means of punishment to an offender and a means of restitution to the community; increase sentencing options to all criminal courts in Ulster County; foster the development of employment, vocational, and life skills as a way of improving situations which might otherwise contribute to criminal activity; encourage and implement integration between offender and community in the process of reducing dysfunction; and forward the cause of alternative sanctions;~~
- ~~(2) Administer and promote effective legal services for indigent individuals through the operation of the County's Assigned Counsel Plan, in accordance with Article 18-B of County Law;~~
- ~~(3) Have necessary powers and duties pursuant to applicable laws governing the operations of alternatives to incarceration programs;~~
- ~~(4) Furnish technical expertise in the planning and development of community corrections and alternatives to incarceration programming to the County Executive and County Legislature as authorized; and~~
- ~~(5) Have charge of and have the duty of performing such other related functions and other matters as the County Executive and Legislature may from time to time direct.~~

~~§ C-125. Assistant Director.~~

- ~~A. The Director of Community Corrections shall have the power to appoint an Assistant Director within the limits of appropriations provided for this purpose.~~
- ~~B. The Assistant Director shall perform such duties pertaining to the Department of Community Corrections as the Director may direct and shall act generally for and in the place of the Director and perform such other and related duties as the Director may assign and direct.~~

ARTICLE XLII
Department of the Environment

§ C-124 Director, Department of the Environment

- A. There shall be a Department of the Environment, the head of which shall be the Director of the Department of the Environment who shall be appointed on the basis of their experience and qualifications as specifically set forth in the civil service class specifications for that position. The Director of the Department of the Environment shall be appointed by the County Executive subject to confirmation of the County Legislature, and such appointee shall serve at the pleasure of the County Executive. The Director of the Department of the Environment shall execute environmental policy for the County and shall be responsible for the development of environmental policy subject to approval by the County Executive.
- B. Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of the Environment shall:
- 1) Have the authority to appoint and remove all officers and employees of the Department of the Environment, except as such power and authority are specifically limited by local law or New York State statute.
 - 2) Coordinate environmental policy and resource planning for all interrelated County departments and the Ulster County Environmental Management Council.
 - 3) Supervise the efforts of the Department of the Environment employees and coordinate with the efforts of other interrelated County departmental staff on all environmental projects.
 - 4) Review the progress of environmental projects through oversight of the duties of technical staff assigned and make recommendations to ensure the project is on time and the goals of the Environmental Management Council are being met.
 - 5) Provide administrative and technical assistance to the Environmental Management Council.
 - 6) Review ongoing County projects and/or activities with environmental implications and assure that the requirements and guidelines of the project are followed in context with established policies and procedures.
 - 7) Act as administrative liaison with personnel in other County departments as well as with federal, state, regional and private environmental planning agencies, consultants and other interested parties involved with environmental issues.
 - 8) Formulate and prepare the annual departmental budget.
 - 9) Prepare plans, reports, informational material and administrative documents designed to support or implement environmental objectives of Ulster County and the Environmental Management Council to meet both state and federal requirements.

10) Support the efforts of County departments and municipalities to utilize geographic information system (GIS) and other technologies to compile, collect, organize and analyze geographic information relative to the focus and planning objectives of Ulster County and the Environmental Management Council.

11) Prepare and present oral, written and multi-media reports to the County Legislature, municipal officials, the media and the public.

12) Have all the powers and perform all the duties now or hereafter conferred or imposed by local law or resolution of the Ulster County Legislature.

§ C-125 Deputy Directors

A. The Director of the Department of the Environment shall have the power to appoint one or more Deputy Directors of the Department of the Environment within the limits of appropriations. Every appointment shall be in writing and filed in the office of the County Clerk and the Clerk of the Ulster County Legislature.

B. The term of office of any deputy appointed hereunder shall coincide with that of the Director of the Department of the Environment, provided that such appointment may be revoked at any time by the Director of the Department of the Environment by written revocation filed with the County Clerk. All positions of Deputy Director shall be in the exempt class of civil service.

C. Deputy Directors of the Department of the Environment shall perform such duties pertaining to the office of the Department of the Environment as the Director of the Department of the Environment may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign and direct.

D. If there is but one deputy, they shall possess the powers and perform the duties of the Director of the Department of the Environment during the absence or inability of the Director of the Department of the Environment to act. If there is more than one deputy, the Director of the Department of the Environment shall designate in writing and file in the office of the County Clerk and the Clerk of the Legislature the order in which they are to serve during their absence or inability to act.

In the event of a vacancy in the office of the Director of the Department of the Environment, such deputy, or the deputy so designated, shall possess the power to perform the duties of his or her principal until the disability is removed or, in the case of a vacancy, until a successor is appointed and has qualified. If no designation shall have been made and filed, the senior deputy shall act.

ARTICLE XLIII
Safety Department

§ C-126. Safety Officer

- A. Appointment; term. There shall be Safety Department headed by a Safety Officer who shall be appointed by the County Executive based on ~~his or her~~their education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. ~~He or she~~They shall serve at the pleasure of the County Executive.

- B. Powers and duties. The Safety Officer will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. ~~He or she~~They shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~them by law, have authority, direction and control over the Safety Department, including power to appoint and remove officers and employees therein, and perform other and related duties required by the County Executive and County Legislature.

ARTICLE XLIV
Insurance Department

§ C-127. Insurance Officer.

There shall be an Insurance Department headed by an Insurance Officer who shall be appointed by the County Executive based on ~~his or her~~their education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. ~~He or she~~They shall serve at the pleasure of the County Executive and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~them by law, have authority, direction and control over the Insurance Department, including power to appoint and remove officers and employees therein, and perform such other and related duties as required by the County Executive and County Legislature.

A. Powers and duties. The Insurance Officer shall:

- (1) Have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature;
- (2) Subject to County Executive approval, have the authority to administer the self-insurance plan as provided for in Article 5 of the Workers' Compensation Law;
- (3) Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended;
- (4) Have the authority to settle any case subject to the approval of the County Attorney; and
- (5) Have authority to appoint deputies within the limit of the appropriation for this purpose, and designate a first deputy who shall act as Insurance Officer in the event of the Insurance Officer's absence from the County or inability to perform and exercise ~~his or her~~their powers and duties.

ARTICLE XLV
General and Transitional Provisions

§ C-128. Existing laws continued.

Except as otherwise provided in this Charter, all existing state, County, local and other laws or enactments, including special acts having the force of law, shall continue in force until lawfully amended, modified, superseded or repealed.

§ C-129. Continuation of authority.

- A. Continuity shall exist in performance of all rights, powers, duties and obligations attached to governmental functions detailed in the provisions of this Charter. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible for those proceedings or that business under this Charter or any Administrative Code adopted in connection with it.
- B. This Charter shall not invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and these shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

§ C-130. Civil service rights continued.

The civil service rights of all County employees and their beneficiaries shall not be affected by this law. The civil service rights of all employees transferred in any case authorized by this law shall be continued as provided by the Civil Service Law.

§ C-131. Existing terms of office.

Nothing contained in this Charter shall affect the terms of office of County Clerk, District Attorney and Sheriff as presently constituted.

§ C-132. Transfer of functions, duties and personnel; other County departments, boards, offices and agencies.

- A. Except as otherwise provided in this Charter, all County departments, boards, offices and units shall continue as provided by law.
- B. Any County officer appointed for a fixed term prior to the effective date of this Charter shall continue ~~his or her~~their office for the balance of the unexpired term.
- C. Nothing contained in this Charter is intended to constitute a transfer of any function or duty from any town or village or an abolition of any office, department, or unit of government of a town or village in the County. If any provision of this Charter is construed by any court of competent jurisdiction to constitute any such transfer or abolition, such provision shall be deemed to be optional as it affects the towns or villages and shall be effective only upon approval by the governing boards of such towns or villages.
- D. Additional appointments to be made by the County Executive. The County Executive shall appoint the head of any administrative unit not provided for in this Charter, subject to the confirmation of the Legislature. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall

be inconsistent with this Charter within the limits prescribed in Article 4 of the Municipal Home Rule Law.

- E. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Executive to an appropriate Administrative Unit.

§ C-133. Charter clarification.

If any provision of this law is not clear or requires elaboration in its application, the County Legislature may interpret that provision in a local law, not inconsistent with the provisions of the Municipal Home Rule Law.

§ C-134. When effective.

This Charter shall be subject to a mandatory referendum and shall be submitted for the approval of the electors of the County of Ulster at the next general election to be held on November 7, 2006. In the event this Charter is approved by a majority of the electors thereon, the provisions provided herein for the election of a County Executive and a County Comptroller shall become effective, and there shall be an election for the offices of County Executive and County Comptroller to be held at the general election in November 2008. The provisions of the remainder of this Charter shall be effective on and after January 1, 2009. An Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

§ C-135. Severability.

If part of any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, that adjudication shall not affect, impair or invalidate the remainder of that provision but shall be confined in its effect to the clause, sentence, paragraph, section or article determined to be invalid by the Court.

§ C-136. Dates.

If any date specified in this Charter falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

§ C-137. Amendment.

- A. This Charter may be amended in the manner provided by the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a city, town, village, district or other unit of local government wholly contained within the County, shall not become operative unless it is approved by mandatory referendum as required by the Municipal Home Rule Law.

- B. Further, any amendment which would create or abolish an elective County office, change the power or method of removing an elective County officer during ~~his or her~~their term of office, abolish, curtail or transfer to another County office or agency any power of an elected County officer, or change the form or composition of the County Legislature shall be subject to a mandatory referendum.

§ C-138. Completion of unfinished business.

- A. The performance of functions pursuant to the provisions of this Charter shall be deemed to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible for such proceedings or other business under this Charter.
- B. This Charter shall not be deemed to invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of the bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

§ C-139. Submission of electors.

This Charter shall be submitted to the electors of Ulster County at the general election occurring November 7, 2006.