

Agenda



Charter Revision Commission

Date/Time: 1/12/2023 at 5:00 PM
Zoom Mtg ID: 840 4292 4344

Location(s): 244 Fair St., 6th Fl., Kingston, NY
1250 Penbrook Club Dr., Venice, FL

Commission Members:

Mihm, Kathleen (Chair)	Kadgen, Thomas**	Simonofsky, D. Mici
Cardinale, Frank	McCarthy, Scott	Woltman, Brian
Donaldson, David*	Parker, LeShawn	
Shannon Harris	Rodriguez, Hector	

* *via videoconference with a physical address of 1250 Penbrook Club Dr., Venice, FL 34285*

** *via videoconference due to "extraordinary circumstances" pursuant to NYS Public Officers Law Section 103-A and Ulster County Local Law No. 8 of 2022*

Agenda Items:

1. Call to Order / Roll Call / Welcome Guests and Members of the Public
 2. Approval of December 8, 2022 meeting minutes [see draft minutes attached]
 3. Public Comment (if any)
 4. Letter from Ulster County Clerk Nina Postupack dated December 28, 2022 [see attached]
 5. Ulster County Charter Revisions Bank Reconciliations Memorandum dated January 10, 2023, submitted by Ulster County Comptroller March Gallagher [see attached]
 6. Review and Discussion of Charter Sections C-1 through C-11 [see attached]
 7. Review of Chart of Proposed Revisions Matrix [see attached]
 8. Adjournment
-

Other Information:

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: December 8, 2022 at 5:00 PM

Location: Ulster County Legislative Chambers
244 Fair Street, 6th Floor, Kingston, New York 12401

Present: Kathleen Mihm (Chairperson)
David Donaldson
Thomas Kadgen*
Scott McCarthy
Hector Rodriguez
D. Mici Simonofsky
Brian Woltman
Frank Cardinale
LeShawn Parker

**via videoconference due to extraordinary circumstances pursuant to NYS
Public Officers Law §103-A and Ulster County Local Law No. 8 of 2022*

Absent: Shannon Harris

Quorum: Yes

Other Attendees: Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Victoria Fabella, Clerk of the Legislature
Alicia DeMarco, Deputy Comptroller
Carl Brown, Chair, Ulster County Human Rights Commission
Barbara Hill, Chair, Ulster County Community Services Board
Rokosz Most, Hudson Valley One
Jerry Sheehan, Confidential Secretary to County Executive

Chairperson Mihm called the meeting to order at 5:04 PM.

Motion No. 1: **Motion to Approve the December 1, 2022 Meeting Minutes**

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), Donaldson, Kadgen, McCarthy,
Rodriguez, Simonofsky, Woltman, Cardinale, Parker

Voting against: None

Disposition: Motion No. 1 passed 9-0.

Public Comment: None.

Carl Brown, Chair of the Ulster County Human Rights Commission, took the floor to discuss suggested revisions to the Charter relating to the Ulster County Human Rights Commission.

Barbara Hill, Chair of the Ulster County Community Services Board, took the floor to discuss suggested revisions to the Charter relating to the Ulster County Community Services Board.

Commission Member Tom Kadgen took the floor to discuss his suggestions relating to the appointment of administrators to fill vacancies of Elected Officials.

Chair Mihm recognized Deputy Comptroller Alicja DeMarco who took the floor to discuss the suggestion that bank reconciliations be performed by the Department of Finance instead of the County Comptroller.

Commission Member David Donaldson took the floor to recommend that the Commission start going through the Charter line by line.

Motion No. 2: Motion to Adjourn the Meeting

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member D. Mici Simonofsky

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), Donaldson, Kadgen, McCarthy, Rodriguez, Simonofsky, Woltman, Cardinale, Parker

Voting against: None

Disposition: Motion No. 2 passed 9-0.

Meeting adjourned at 6:24 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

ALICE LAWLIS
Chief Deputy County Clerk

NANCY DeGASPERIS
Deputy County Clerk
Motor Vehicle

LAURIE HANCOCK
Deputy County Clerk
Records Management

ULSTER COUNTY CLERK'S OFFICE

NINA POSTUPACK, ULSTER COUNTY CLERK
P.O. BOX 1800
KINGSTON, NEW YORK 12402-1800



TELEPHONE:
Registrar (845) 340-3288
Motor Vehicle (845) 340-3700
Records Management (845) 340-3415

FAX:
Registrar (845) 340-3299
Motor Vehicle (845) 340-3318
Records Management (845) 340-3418

December 28, 2022

Ulster County Charter Revision Commission
244 Fair Street
Kingston, NY 12401

Dear Committee Members,

Given that the Ulster County Charter Revision Commission is in the process of reviewing the Ulster County Charter for amendments and revisions, I think it is a good time to consider amending Article XXXI Section C-103 to have the Ulster County Clerk appoint and supervise the Ulster County Historian.

The amended section would read as follows:

Article XXXI Section C-103 There shall be a county Historian who shall be appointed by the (County Executive – delete) insert - County Clerk pursuant to New York State Arts and Cultural Affairs Law subject to confirmation by the County Legislature.

The Ulster County Charter goes on to state: that: **The County Historian “shall preserve, interpret and promote the history of Ulster County...”**

New York State Arts and Cultural Affairs Law Section 57.07 (1) which governs the appointment of the County Historian states: **Each local government historian shall promote the establishment and improvement of programs for the management and preservation of local government records with enduring value for historical or other research; encourage the coordinated collection and preservation of nongovernmental historical records by libraries, historical societies, and other repositories; and carry out and actively encourage research in such records in order to add to the knowledge, understanding and appreciation of the community's history.**

Ulster County is unique in that our County Clerk's Office also manages a 17th century stone house museum - the Matthew Persen House Museum and Cultural Heritage Center. As stated above the Ulster County Charter the County Historian “shall preserve, interpret and promote the history of Ulster County.” NYS Arts and Cultural Law the basis for the creation of a County Historian emphasis this also as stated: “...shall promote

the establishment and improvement of programs for the management and preservation of local government records with enduring historical value...". These duties align well with the duties of the Ulster County Archivist. It is my view that having the Historian and Archivist working together to interpret the county's rich history and develop exhibits and programming would strengthen both positions.

There are several counties in New York State that currently have the County Historian under the County Clerk, including Madison, Dutchess, Saratoga, Montgomery, Niagara, and Warren, Jefferson, Cayuga, and Wayne to name a few. The Association of Public Historians of New York State (APHNYS), of which Taylor Bruck, the Ulster County Archivist is a trustee, includes many county historians who work under the County Clerk, and they have all advised that this structure works well given the fact that County Clerk's generally manage the county's historical records.

This transition is especially timely given the upcoming 250th anniversary of the Revolutionary War. Ulster County already has an Ulster RevWar250 Commission, and having the Archivist and Historian developing commemorative events and exhibits together going forward would not only benefit the history community, but I believe would greatly benefit Ulster County heritage tourism as well. Thank you for the opportunity to submit our suggestions regarding the revision of the County Charter. If you require anything further do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Nina Postupack". The signature is written in a cursive, flowing style.

Nina Postupack
Ulster County Clerk

MEMORANDUM FROM THE

ULSTER COUNTY OFFICE OF THE COMPTROLLER

March S. Gallagher, Esq.
Comptroller



Alicia DeMarco, CPA
Deputy Comptroller

MEMORANDUM

TO: Charter Review Commission Chair Kathleen Mihm and Members

CC: County Executive Jen Metzger

FROM: Comptroller March Gallagher

RE: Ulster County Charter Revision Bank Reconciliations

DATE: January 10, 2023

Per our discussion of bank reconciliations and your request for additional information, we would like to offer the following information for your consideration when determining where the responsibility for the performance of bank reconciliations should reside.

As we have noted previously in our discussions with the Commission, we recommend that the responsibility of the *performance* of Ulster County bank reconciliations be moved to the Department of Finance, and that the Comptroller be charged with the *review* and *approval* of completed reconciliations.

The foundation for our recommendation is based on the following facts:

- 1) Bank reconciliation procedures are typically performed by the Treasurer, Finance Department, Chief Fiscal Officer, or those charged with regular accounting services
- 2) The performance of bank reconciliations by auditors is a threat to independence according to Government Auditing Standards, and is listed as a prohibited service

Based on a survey of counties through the New York State County Treasurer and Finance Officer Association, every response received stated that the performance of bank reconciliations is the function of the Department of Finance, Treasurer, or the individual department maintaining "off book" bank accounts (i.e. – Sheriff, Clerk, or other elected office). We are the only Comptroller's Office in the state that is charged with the responsibility of performing bank reconciliations who does not also perform the duties of treasurer (finance department duties). Our "off book" accounts are reconciled by those individual departments and sent to us for review monthly.

"Ulster County Off Book Accounts"	
Department	Account Subject
DSS	Support Collections Unit
Sheriff	Inmate Accounts
Sheriff	General Fees
Probation	Probation
County Clerk	Recording Account
County Clerk	Transfer/ Deed Tax
County Clerk	Mortgage Tax
County Clerk	Court Administration Fees
County Clerk	DMV - Van
County Clerk	DMV - State
County Clerk	DMV - Office
County Clerk	DMV - Exchange
County Clerk	Special
County Clerk	Community Preservation

More importantly, the performance of bank reconciliations is a direct impairment to independence, which hinders the ability of our office to conduct audits. According to Government Auditing Standards, promulgated under the United States Government Accountability Office, the performance of bank reconciliations by an auditor is a direct threat to independence (GAS 2018 Revision 3.89)¹, which states:

3.89 Auditors should identify as threats to independence any services related to preparing accounting records and financial statements, other than those defined as impairments to independence in paragraph 3.87 and significant threats in paragraph 3.88. These services include

- a. recording transactions for which management has determined or approved the appropriate account classification, or posting coded transactions to an audited entity's general ledger;
- b. preparing certain line items or sections of the financial statements based on information in the trial balance;
- c. posting entries that an audited entity's management has approved to the entity's trial balance; and
- d. preparing account reconciliations that identify reconciling items for the audited entity management's evaluation**

While reconciling the County's bank accounts, the Comptroller's Office staff is required to identify and recommend adjusting and general journal entries. This requirement results in a direct impairment to the Comptroller's independence as it relates to the financial transactions recorded

¹ <https://www.gao.gov/assets/gao-18-568g.pdf>

in the various County bank accounts. Auditors must always be aware of "self-review threats," and are prohibited from auditing work that may be perceived as their own work. By forcing the Comptroller to reconcile the County's various bank accounts, including the disbursement account which is used to record most payments made by the County, the Charter limits the Comptroller's ability to review and audit based on the professional standards under which we operate.

In the past the need for adjusting journal entries has resulted in months long delays to completion of bank reconciliations in the financial system and created friction between the Finance Department and the Comptroller's Office. The issue underlying these tense exchanges is that the Comptroller's Office is being required to do work that is not normally within the scope of an internal audit function.

Additionally, we would like to note that in an example of non-attest services that should NOT be performed by auditors, the performance of monthly bank reconciliations was identified as a specifically prohibited non-audit services under Generally Accepted Government Auditing Standards (GAGAS), as demonstrated in the example on the following page:

Using the examples provided above:

Routine Activities	Specifically Prohibited/Nonaudit services
Analyzing lease vs. purchase	Deciding whether the entity should lease or purchase a fixed asset.
Responding to whether an activity would generate unrelated business income.	Determining the costs to allocate to unrelated business income.
Advising the entity to transfer available cash to an interest-bearing money market account.	Selecting the investment vehicle for the entity to deposit its available cash into.
Showing the entity how to prepare a cash reconciliation in the accounting program the entity uses.	Performing the monthly cash reconciliations for the entity.
Distributing to the entity a list of typical internal controls over fixed assets.	Determining which internal controls the entity should implement.

Finally, the Commissioner of Finance noted that his primary apprehension to completing the reconciliations himself was related to staffing. While the Department of Finance (37 staff not including the ARPA division) is much larger than the Comptroller's Office (7 currently), if staffing is the primary issue, departmental resource needs should be addressed with the legislature through the appropriate budgetary process. Regarding his secondary concern that the performance of reconciliations would be an issue as it relates to appropriate segregation of duties, we note that the segregation of duties only requires that two separate employees be involved in the reconciliation process, which can be achieved by the Department of Finance's current staffing structure. Additionally, most of the responding departments from other counties across the state noted the appropriate segregation of duties within the department of Finance performing the reconciliation.

Chapter C

CHARTER

[HISTORY: Adopted by the Ulster County Legislature 8-23-2006 by L.L. No. 2-2006, approved 11-7-2006. Amendments noted where applicable.]

REVISION DATE: 12/01/2022

Formatted: Centered

C:1

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, and at least every ~~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 serves on this Commission.
- (1) The first meeting of the Commission members shall be convened by the County Executive in the second week after the deadline for its appointment for the purposes of electing a Chairman and receiving its charge. The Chairman of this Commission shall be elected at that meeting by a majority vote of the entire membership of the Commission.
 - (2) The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively. No member of the Charter Revision Commission shall receive any compensation, but each member shall be reimbursed by the County of Ulster for all actual and necessary expenses incurred in the course of the performance of his or her duties as a member of the Commission.
 - (3) The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website. The Commission shall issue a written report to the County Legislature and County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting, containing its findings and recommendations, if any, for amendments or revisions of the Ulster County Charter to be placed by the County Legislature before the people of Ulster County for their consideration at the next scheduled general election at least 60 days after the report is delivered to the Clerk of the Legislature. The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.
 - (4) The Commission, by two-thirds vote of its members, may place directly before the voters for their approval at referendum proposals to amend or revise

Commented [RW1]: Matrix 8

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

§ 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.

Commented [RW2]: Matrix 9

DEPARTMENTAL ESTIMATES — [definition]

Commented [RW3]: Matrix 10

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.

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 has 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 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 district of residence or any newly drawn district which is contiguous to his or her 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. A report of the process and a list containing the names 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/or 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.
- (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.
- (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 public hearings 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 be dissolved on the day following the general election in 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;
- 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, 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]**

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

- 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. 9-2012³]

Commented [RW4]: Matrix 11
Matrix 28
Matrix 29

§ C-11.1. Audit Committee. [Added 8-14-2012 by L.L. No. 9-2012³]

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

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

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

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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

#	Submitted By	Description of Change	Date Submitted	Date(s) Considered	Determination	Member Note (Y/N/Discuss)	Relevant Charter Section(s)	Redline Page(s)
1	Patrick Long	Remove reference to Consumer Fraud Bureau	9/19/2022	10/6/2022	Revision Accepted		C-93, C-94	C-75
2	Nancy Schmidt	Remove reference to Community Corrections Department	9/29/2022	10/6/2022	Revision Accepted		C-124, C-125	C-111
3	Juan Figueroa	Streamline budget approval process	9/29/2022	10/6/2022	Await further elaboration from Sheriff's Office			
4	Juan Figueroa	County Attorney works for county executive, not the elected officials of the county	9/29/2022	10/6/2022	Await further elaboration from Sheriff's Office			
5	Brian Slack	Increase number of Traffic Safety Board appointees from 12 to 15	10/5/2022	10/6/2022	Revision Declined			
6	Thomas Kadgen	Process for filling vacancies for vacated offices	10/5/2022	10/6/2022	Elaborated in 11/14 submission			
7	Thomas Kadgen	Charter has been ignored/circumvented	10/5/2022	10/6/2022	Elaborated in 11/14 submission			
8	March Gallagher	Convene Charter Revision Commission at least once every five years	10/4/2022	10/6/2022	Revision Accepted		C-5(B)	C-4
9	March Gallagher	Clarify definition of "department"	10/4/2022	10/6/2022, 11/3/2022	Comptroller to provide draft language		C-6	C-6
10	March Gallagher	Add definition for "departmental estimates"	10/4/2022	10/6/2022, 11/3/2022	Pending Further Discussion		C-6	C-6
11	March Gallagher	Raise threshold for executive contracts from \$50,000 to \$100,000	10/4/2022	10/6/2022, 11/3/2022	Pending Further Discussion		C-11(O); C-25(M)	C-12, C-18
12	March Gallagher	Make it clear departmental estimates must be shared to the Legislature. Give Legislature and Comptroller view only access to the budget requests made by the departments. In the current financial system (New World/Logos/Tyler ERP) these are called "Level 1 Budget Worksheets". Make Department heads send a hard copy to the Legislature.	10/4/2022	10/6/2022, 11/3/2022	Pending Further Discussion		C-33	C-23
13	March Gallagher	Establish a deadline for public posting of the budget	10/4/2022	10/6/2022	Revise to include deadline of December 31		C-38(J)	C-26
14	March Gallagher	The Commissioner of Finance shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.	10/4/2022	10/6/2022, 11/3/2022	Pending Further Discussion		C-53(A)	C-39
15	March Gallagher	Add Commissioner of Finance responsibility for timelines to enforce real property tax. Foreclosures should be processed as expeditiously as possible, with an annual review of all hazardous properties, a committee structure to review properties being withheld from the foreclosure action.	10/4/2022	10/6/2022, 11/3/2022	Pending Further Discussion		C-53(B)	C-39
16	March Gallagher	Add enforcement power/duties related to Ulster County's Occupancy Tax so that it's clear the Finance Commissioner has enforcement responsibility.	10/4/2022	10/6/2022, 11/3/2022	Pending Further Discussion		C-53(B)	C-39

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

17 March Gallagher	Change the required submission date of the AUD to the Legislature to mirror the due date in state law (May 1st). In practice, the AUD is never submitted to the Legislature prior to May 1.	10/4/2022	10/6/2022; 11/3/2022 Pending Further Discussion	C-53(B)(6)	C-39
18 March Gallagher	Place responsibility with Commissioner of Finance for reconciling the county's bank accounts. And create a deadline for notifying the County Comptroller of any new account within 30 days of opening.	10/4/2022	10/6/2022; 11/3/2022 Pending Further Discussion	C-53(B)(9)	C-39
19 March Gallagher	The Comptroller shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.	10/4/2022	10/6/2022; 11/3/2022 Pending Further Discussion	C-56(A)	C-43
20 March Gallagher	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.	10/4/2022 2; 11/3/2022; 11/10/2022 Revision Accepted		C-57(A)	C-43
21 March Gallagher	Remove bank reconciliations from Comptroller's responsibilities	10/4/2022	10/6/2022; 11/3/2022 Pending Further Discussion	C-57(B)	C-43
22 March Gallagher	Provide Comptroller authority to audit revenues	10/4/2022 2; 11/3/2022; 11/10/2022 Revision Accepted		C-57(C)	C-43
23 March Gallagher	Provide explicit authority to audit public benefit corporations	10/4/2022	10/6/2022; 11/3/2022 Request Opinions from Public Benefit Corporations	C-57(G)	C-44
24 March Gallagher	Grant authority to subpoena documents including digital records and access to software licensed or owned by the County	10/4/2022 2; 11/3/2022; 11/10/2022 Pending Further Discussion		C-57(H)	C-44
25 March Gallagher	Remove Charter sections regarding filling of Comptroller vacancy by Legislature	10/4/2022	10/6/2022; 11/3/2022 Pending Further Discussion	C-60	C-44-45
26 March Gallagher	Remove section on residential healthcare facilities	10/4/2022	10/6/2022 Revision Accepted	C-99	C-85
27 March Gallagher	Require periodic compensation review commission's findings to be incorporated into County Executive's proposed budget unless previously adopted by local law	10/4/2022	10/6/2022; 11/3/2022 Pending Further Discussion	C-110	C-95
28 Ed Jordan	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	11/3/2022 Pending Further Discussion	C-11(O); C-25(M)	C-12, 18
29 Brendan Masterson	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	11/3/2022 Pending Further Discussion	C-11(O); C-25(M)	C-12, 18
30 Dawn Spader	Add language to department head descriptions to include vesting authority, direction, and control over the department, including power to appoint and remove officers and employees within the department	10/13/2022	11/3/2022; 11/10/2022 Revision Accepted		
31 Brian Wollman	Adopt succession plan for County Executive including election of a C.E. and Prime Deputy ticket	11/10/2022	12/1/2022 Pending Further Discussion		

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

32 Thomas Kadgen	Executive, Comptroller, and County Clerk choose successors, which serve at pleasure of Legislature; can be removed and replaced by supermajority vote of Legislature; next election to take place as soon as a 'complete election cycle' can take place; veto from Acting C.E. can be overridden by simple majority.	11/14/2022	12/8/2022 Pending Further Discussion	
33 Thomas Kadgen	Remove 'alternative sentencing administrative unit' reference from Charter	11/18/2022		
34 Thomas Kadgen	Extend residency requirements for Executive, County Clerk, and Comptroller to be a registered elector for three years	11/18/2022		
35 Thomas Kadgen	Mandatory issuance of subpoena if request for material is ignored or denied	11/18/2022		C-11
36 Thomas Kadgen	Add provision to allow Legislature to act on any mandate that fails to be met or impasse	11/18/2022		
37 Thomas Kadgen	Mandate salary recommendations of periodic compensation board be placed before Legislature in separate salary categories for a vote	11/18/2022		
38 Thomas Kadgen	Reimburse up to \$5,000 court fees to any plaintiff that successfully sues County for breaching Charter	11/18/2022		
39 Thomas Kadgen	County Attorney must be confirmed by Legislature	11/22/2022		
40 Thomas Kadgen	Periodic Compensation Board member qualification should exclude former county officials	11/22/2022		
41 Thomas Kadgen	Successor in the instance of a legislator vacancy should come from the same party as the legislator who left the seat	11/22/2022		
42 Human Rights Comm.	Allow for filling of vacant seats by Commissioner	12/8/2022		
43 Human Rights Comm.	Increase number of members from 11 to 15	12/8/2022		
44 Human Rights Comm.	Chair of Commission selected by commission, not County Executive	12/8/2022		
45 Barbara Hill	Raise maximum term limit for service on CSB	12/8/2022		
46 Barbara Hill	Increase mental health subcommittee size to 11 persons from 9	12/8/2022		
47				