

# Agenda



## Charter Revision Commission

Date/Time: 2/9/2023 at 5:00 PM  
Zoom Mtg ID: 840 4292 4344

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

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### Commission Members:

|                        |                   |                     |
|------------------------|-------------------|---------------------|
| Mihm, Kathleen (Chair) | Kadgen, Thomas**  | Simonofsky, D. Mici |
| Cardinale, Frank       | McCarthy, Scott   | Woltman, Brian      |
| Donaldson, David*      | Parker, LeShawn   | Tantillo, Fawn      |
| 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*

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### Agenda Items:

1. Call to Order / Roll Call / Welcome Guests and Members of the Public
2. Approval of February 2, 2023 meeting minutes [see pages 2-4 ]
3. Presentation by the Ulster County Planning Board Chair Drew Boggess and Vice-Chair Mike Baden regarding a proposed revision to C-50 [see pages 5-8 ]
4. Public Comment (if any)
5. Reconsideration of the proposed revision to Section C-11(O) which would increase the amount set forth therein from \$50,000 to \$100,000
6. Commission Member Thomas Kadgen's proposed addition to Section C-10(E): "**This decision will continue for the duration of the Commission unless and until changed by majority vote of the entire membership of the Commission.**"
7. Review and Discussion of Charter Sections C-11.1 through C-21 [see pages 9-13 ]
8. Review of Chart of Proposed Revisions Matrix [see pages 14-16 ]
9. Adjournment

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### Other Information:

## Ulster County Charter Revision Commission Regular Meeting Minutes

**Date/Time:** February 2, 2023 at 5:00 PM

**Location:** Ulster County Legislative Chambers  
244 Fair Street, 6<sup>th</sup> Floor, Kingston, New York 12401

**Present:** Kathleen Mihm (Chairperson)  
Thomas Kadgen\*\*  
Scott McCarthy  
Brian Woltman  
LeShawn Parker  
Shannon Harris  
Hector Rodriguez  
Fawn Tantillo

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

**Absent** David Donaldson  
Frank Cardinale

**Quorum:** Yes

**Other Attendees:** D. Mici Simonofsky, Commission Member (participating via Zoom)  
Dr. Carol Smith, Commissioner, Ulster County Department of Health  
Ashley Torres, Commissioner, Ulster County Board of Elections  
John Quigley, Commissioner, Ulster County Board of Elections  
Tracey Bartels, Chair, Ulster County Legislature  
Joseph Maloney, Ulster County Legislator  
Victoria Fabella, Clerk, Ulster County Legislature  
Christopher Ragucci, Esq., Majority Counsel  
David Gordon, Esq., Majority Counsel  
March Gallagher, Ulster County Comptroller  
Alicia DeMarco, Deputy Comptroller  
Rokosz Most, Hudson Valley One  
Kristin Gumaer, First Assistant County Attorney  
Richie Williams, Assistant County Attorney  
Dante De Leo, Assistant County Attorney

Chairperson Mihm called the meeting to order at 5:07 PM.

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**Motion No. 1: Motion to Approve the January 12, 2023 Meeting Minutes**

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Shannon Harris

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), McCarthy, Harris, Kadgen, Woltman, Parker, Rodriguez, Tantillo

Voting against: None

**Disposition: Motion No. 1 passed 8-0.**

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**Public Comment:** Tracey Bartels, Chair, Ulster County Legislature, took the floor and spoke on several topics including: advising the Commission that the Legislature would be submitting a package of proposed revisions; speaking against the proposed revision to Section C-11(O) which would increase the amount set forth therein from \$50,000 to \$100,000; and speaking against the proposed revision to Section C-5(B) which would shorten the frequency with which the Commission must be convened from 10 years to 5.

Several Commission Members engaged in a discussion with Chair Bartels regarding her position on the change to C-11(O). Commission Member Woltman requested clarity on the original reason behind the \$50,000 figure. Commission Member Harris requested that the Legislature's forthcoming package contain proposed revisions relating to efficiency measures.

Joseph Maloney, Ulster County Legislator, took the floor and spoke on several topics.

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**Motion No. 2: Motion to Reconsider Motion No. 5 of the January 12, 2023 Meeting Regarding the Revision to Section C-11(O)**

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member LeShawn Parker

Discussion: The Commission Members discussed the varying positions that have been brought to their attention regarding the proposed revision.

Voting in favor: Commission Members Mihm (Chair), McCarthy, Parker, Kadgen, Woltman, Harris, Rodriguez, Tantillo

Voting against: None

**Disposition: Motion No. 2 passed 8-0.**

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Chair Mihm recognized Ashley Torres and John Quigley, Commissioners of the Ulster County Board of Elections, who each spoke on various proposed revisions to the Charter. Chair Mihm requested that a written proposal be submitted by the Board of Elections.

Chair Mihm recognized Dr. Carol Smith, Commissioner, Ulster County Department of Health, who spoke against the Medical Examiner residency requirement set forth in the Administrative Code, Section A5-4, and who requested that the Commission not include such residency requirement in Section C-43 of the Charter. There was a discussion about whether revisions to the Code are within the scope of the Commission. Commission Member Harris requested that the Legislature submit proposed Code revisions to the Commission along with their forthcoming package of proposed Charter revisions.

Commission Member Shannon Harris left the meeting at 6:16 pm.

Chair Mihm recognized Ulster County Comptroller March Gallagher, who spoke about her proposed changes regarding the County's budget process and "departmental estimates." Chair Mihm recognized Tracey Bartels, Chair of the Legislature, who spoke in support of the Comptroller's proposal. Several Commission Members discussed seeking input from the County Executive's Office.

Commission Member Kadgen took the floor to discuss his proposed revision to Section C-10(E) of the Charter.

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**Motion No. 3: Motion to Adjourn the Meeting**

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Brian Woltman

Discussion: None.

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

Voting against: None

**Disposition: Motion No. 3 passed 7-0.**

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Meeting adjourned at 6:47 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

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 three nominees given him or her 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 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. These powers 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 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 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 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 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 recommendations. The Director of Planning shall prepare and submit his or her 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.



- 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 \$50100,000 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. 9-2012<sup>4</sup>]

Commented [RW4]: Matrix 11  
Matrix 28  
Matrix 29

**§ C-11.1. Audit Committee.** [Added 8-14-2012 by L.L. No. 9-2012<sup>5</sup>]

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.

approval in writing.

- B. If the County Executive approves the local law or resolution, he or she 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 disapproves the local law or resolution, he or she shall veto it by returning it within 10 days to the Clerk with his or her 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. 9-2012<sup>6</sup>]**

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

**§ 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. 9-2012<sup>7</sup>; 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 appointment, and throughout his or her 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 shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of this office. 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 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. 9-2012<sup>8</sup>]
- 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. 9-2012<sup>9</sup>]

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

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

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

**§ C-21. Filling membership vacancies.**

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.

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  | 9/16/2022      | 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 | Revision Accepted 11/12/2023                    |                           | 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            |
| 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            |

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

|    |                    |  |                                    |                            |   |                  |
|----|--------------------|--|------------------------------------|----------------------------|---|------------------|
| 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       | Revision Accepted                                 | 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-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             |
| 26 | March Gallagher    | Remove section on residential healthcare facilities  | 10/4/2022                          | 10/6/2022                  | Revision Accepted                                 | 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-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) |
| 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) |
| 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 Wolfman      | 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                        |                  |
| 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                          |                            |   |                  |

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

|    |                    |  |           |  |
|----|--------------------|--|-----------|--|
| 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 | Nina Postupack     | County Historian Appointed by Clerk instead of Exec              | 1/12/2023 | 1/12/2023 Revision Accepted<br>C-103<br>C-89 |