

# Agenda



## Charter Revision Commission

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Date/Time: 4/13/2023 at 5:15 PM (or immediately following the public hearing)

Zoom Mtg ID: 840 4292 4344

Location(s): 244 Fair St., 6<sup>th</sup> Fl., Kingston, NY

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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 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 April 10, 2023 meeting minutes [see pages 2-10 ]
  3. Public Comment (if any)
  4. Review and Discussion of Charter Sections C-67 through C-92 [see pages 11-24]
  5. Review and Discussion of Chart of Proposed Revisions Matrix [see pages 25-27]
  6. Review and Discussion of Commission Member David Donaldson's proposal to replace Town assessors with a County-wide assessor
  7. Adjournment
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### Other Information:

## **Ulster County Charter Revision Commission Regular Meeting Minutes**

**Date/Time:** April 10, 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  
D. Mici Simonofsky  
Hector Rodriguez  
Frank Cardinale  
Fawn Tantillo  
David Donaldson  
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** Brian Woltman  
Shannon Harris

**Quorum:** Yes

**Other Attendees:** March Gallagher, Comptroller  
Alicia DeMarco, Deputy Comptroller  
Charles Dinstuhl, Deputy Comptroller  
Mike Baden, Supervisor, Town of Rochester  
Kristin Gumaer, First Assistant County Attorney  
Richie Williams, Assistant County Attorney

Chairperson Mihm called the meeting to order at 5:03 PM.

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**Motion No. 1: Motion to Approve the April 6, 2023 Meeting Minutes**

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None

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

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**Public Comment:** None

Chair Mihm recognized Mike Baden, Town of Rochester Supervisor, who encouraged the Commission to continue meeting until September and not rush the process.

The Commission continued their review and discussion of Commission Member Tom Kadgen's proposed revisions.

The Commission discussed the proposal to strike and replace C-11(M) with the following: "To determine and make provision for any impasse of government not otherwise provided for by the Ulster County Charter." Commission Members Tantillo and Donaldson made the point that the Legislature already has that power. Commission Member McCarthy noted that the Commission cannot make the Legislature do something it does not want to do. Commission Members discussed the meaning of the word "transition" in C-11(M). Commission Member Kadgen revised his proposal to amend C-11(M) by deleting the language starting with "including."

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**Motion No. 2:** Motion to Amend C-11(M) by Deleting the Following Language:  
"including, but not by way of limitation, any necessary matter involved in the transition to this Charter form of government."

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Dave Donaldson

Discussion: None

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

Voting against: None

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

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Commission Member LeShawn Parker joined the meeting at 5:21 PM.

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**Motion No. 3:** Motion to Strike Section C-29 Relating to the County Executive's Succession Plan

Motion made by: Commission Member Tom Kadgen

Seconded by: Commission Member Hector Rodriguez

Discussion: Commission Member Rodriguez suggested amending the proposal to require that the County Executive's succession plan be approved by the Legislature. Commission Member Kadgen noted that other counties with county executives require the succession plan to be approved by the legislature. Commission Members Simonofsky, Tantillo, and Donaldson spoke in opposition to the proposal.

Voting in favor: Commission Members Kadgen, Rodriguez

Voting against: Commission Members Mihm (Chair), Simonofsky, McCarthy, Parker, Donaldson, Tantillo, Cardinale

**Disposition:** **Motion No. 3 failed 2-7.**

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**Motion No. 4:** **Motion to Add Subsection "C" to Section C-1 as Follows: "In the event that a resident of Ulster County successfully sues the County for not abiding by the Ulster County Charter or NYS Municipal law the Attorney fees and filing costs will be reimbursed up to but not exceeding \$10,000.00 dollars."**

Motion made by: Commission Member Tom Kadgen

Seconded by: Commission Member Hector Rodriguez

Discussion: Commission Members Mihm and Tantillo spoke in opposition to the proposal.

Voting in favor: Commission Member Kadgen

Voting against: Commission Members Mihm (Chair), Simonofsky, McCarthy, Parker, Donaldson, Tantillo, Cardinale, Rodriguez

**Disposition:** **Motion No. 4 failed 1-8.**

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Chair Mihm requested that the Board of Elections Commissioners be invited to speak at the meeting scheduled for April 17, 2023.

Commission Member Rodriguez raised the Sheriff's concern about being required to get approval from the County Executive to attend conferences, and inquired into the authority for such requirement. Chair Mihm recognized Comptroller March Gallagher who advised the Commission that it is within standard operating procedures for County employees to get such approval, but that the Comptroller is planning to advise the County Executive that the Comptroller's Office will no longer require Executive approval for any conferences, training, or meeting supplies for elected official offices. The Comptroller noted that she does not see any authority in the Charter for the County Executive's requirement. Commission Member Rodriguez requested an opinion from the County Attorney's Office. Commission Member Tantillo noted that the Legislature approved the standard operating procedures.

The Commission reviewed and discussed the Comptroller's proposed revisions as set forth in her memos dated April 5, 2023 and April 6, 2023.

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**Motion No. 5:**            **Motion to Add the Following Sentence to Section C-56(A): "The Comptroller shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office."**

Motion made by:        Commission Member Dave Donaldson

Seconded by:            Commission Member Scott McCarthy

Discussion:              Commission Members Mihm and Tantillo spoke in opposition to the proposal.

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

Voting against:        None.

**Disposition:**        **Motion No. 5 passed 9-0.**

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**Motion No. 6:**            **Motion to Add the Following Sentence to Section C-57(A): "The Comptroller shall have read-only access to all software systems of the County except where precluded by law."**

Motion made by:        Commission Member Fawn Tantillo

Seconded by:            Commission Member Dave Donaldson

Discussion:              Commission Member Tantillo voiced her concern about the Comptroller having access to software unless such access is "read-only." Commission Members discussed the proposal and the Comptroller agreed to adding "read-only" to her proposed revision. Assistant County Attorney Williams suggested proposing a separate sentence for clarity. The Comptroller and Commission Members agreed with the separate sentence.

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

Voting against:        None.

**Disposition:**        **Motion No. 6 passed 9-0.**

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**Motion No. 7:**           **Motion to Add the Word “investments” to the First Sentence of C-57(B) and to Add the Following Sentence to C-57(B): “The Comptroller shall be authorized to have read-only access on all County accounts and be provided access to all such accounts at all times.”**

Motion made by:       Commission Member Fawn Tantillo

Seconded by:           Commission Member Mici Simonofsky

Discussion:            Commission Member Rodriguez suggested changing “investment vehicles” to “investment funds.” Commission Member Tantillo requested that such access be “read-only.” Commission Member Donaldson requested to include the word “authorized.” Commission Member Parker proposed changing “investment funds” to “investments.”

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

Voting against:       None.

**Disposition:**       **Motion No. 7 passed 9-0.**

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Commission Member Rodriguez requested that the County Attorney’s Office propose language to add a definition in the Charter for “read-only.”

The Commission discussed the Comptroller’s proposal relating to Section C-57(D) relating to contract related payments. Commission Members raised and discussed concerns with the proposal. The Comptroller withdrew the proposal.

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**Motion No. 8:**       **Motion to Add the Phrase “and journal entries” to C-57(E)**

Motion made by:       Commission Member Hector Rodriguez

Seconded by:           Commission Member Dave Donaldson

Discussion:            Commission Member Tantillo voiced a concern about having the word “posted” in the proposed language. The Comptroller agreed to take out the word “posted.”

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

Voting against:       None.

**Disposition:**       **Motion No. 8 passed 9-0.**

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**Motion No. 9: Motion to Amend Sections C-57(G) and C-57(H) as Proposed by the Comptroller**

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None.

**Disposition: Motion No. 9 passed 9-0.**

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**Motion No. 10: Motion to Amend Section C-57(J) to Replace the Word “required” with “requested”**

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None.

**Disposition: Motion No. 10 passed 9-0.**

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**Motion No. 11: Motion to Add the Following Language to the First Sentence of Section C-60(A): “and meeting the independence standards set forth by the United States Government Accountability Office (GAO) in that agency’s most recent revision of Government Auditing Standards”**

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None.

**Disposition: Motion No. 11 passed 9-0.**

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The Commission decided to postpone consideration of the Comptroller's proposed deletion of Section C-60(B) pending further discussion.

The Commission discussed the Comptroller's proposed revisions to Section C-33. Comptroller Gallagher advised the Commission that the proposed deletion of the word "simultaneously" was at the request of the County Executive's Office and that the Comptroller agrees with the deletion. Commission Member Tantillo voiced her opposition to such deletion. Commission Members discussed Local Law No. 3 of 2020 relating to a requirement that elected officials submit budget requests directly to the Legislature. The Commission decided to postpone consideration of the proposed revisions to Section C-33.

Commission Member Mici Simonofsky left the meeting at 6:27 PM.

Commission Member Frank Cardinale left the meeting at 6:27 PM.

The Comptroller spoke about her proposal regarding adding a subsection "C" to Section 34 to require certain forecasting to be included in the proposed County budget. The Comptroller noted that the County Executive's Office has not yet weighed in on the proposal. Commission Members discussed the proposal and decided to postpone consideration until the Executive's Office has weighed in.

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**Motion No. 12: Motion to Add the Following Two Sentences to Section C-53: "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. The Commissioner of Finance must be free from any conflicts of interest, must be capable of providing objective and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties."**

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None.

**Disposition: Motion No. 12 passed 7-0.**

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**Motion No. 13:**        **Motion to Add Subsection (10) to Section C-53(B) As Follows: “Act as the enforcing officer of the County for the purpose of the collection of Occupancy Tax.”**

Motion made by:        Commission Member Dave Donaldson

Seconded by:         Commission Member Scott McCarthy

Discussion:            Comptroller Gallagher explained the reasoning behind the proposal.

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

Voting against:        None.

**Disposition:**        **Motion No. 13 passed 7-0.**

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**Motion No. 14:**        **Motion to Add Subsection (11) to Section C-53(B) As Follows: “Ensure proper segregation of duties within financial procedures.”**

Motion made by:        Commission Member Dave Donaldson

Seconded by:         Commission Member Scott McCarthy

Discussion:            Comptroller Gallagher explained the reasoning behind the proposal.

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

Voting against:        None.

**Disposition:**        **Motion No. 14 passed 7-0.**

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Comptroller Gallagher discussed her proposed addition to C-74(A) relating to the Director of Purchasing. Chair Mihm and Commission Member Tantillo requested input from the County Executive’s Office. Commission Members discussed the proposed addition. The Commission Members decided to postpone consideration of this proposal pending further input.

Commission Member Donaldson advised the Commission that he would be bringing forth a proposal relating to a County-wide assessment. Commission Members discussed the proposal. Commission Member Kadgen noted his concern that opposition to this proposal might defeat the entire referendum. The Commission heard comments from Comptroller Gallagher and Mike Baden, Town of Rochester Supervisor.

Commission Members discussed Section C-29(B).

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**Motion No. 15:        Motion to Adjourn**

Motion made by:        Commission Member Fawn Tantillo

Seconded by:            Commission Member Dave Donaldson

Discussion:              None.

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

Voting against:         None.

**Disposition:            Motion No. 15 passed 7-0.**

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Meeting adjourned at 6:51 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

DRAFT

ARTICLE XIII  
Department of Public Transportation

**§ C-67. Director of Public Transportation.**

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

Commented [KAG32]: Matrix 30

**§ C-68. Rules and regulations.**

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



ARTICLE XIV  
County Attorney

**§ C-69. Appointment and qualifications.**

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

Commented [RW33]: Matrix 39

**§ C-70. Powers and duties.**

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

Commented [KAG34]: Matrix 30

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

**§ C-71. Assistant County Attorneys.**

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

**§ C-72. Special counsel. [Amended 8-14-2012 by L.L. No. 9-2012<sup>21</sup>]**

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

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

§ C-69

CHARTER  
C.55

§ C-73

ARTICLE XV  
Department of Information Services

**§ C-73. Director of Information Services.**

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

Commented [KAG35]: Matrix 30



ARTICLE XVI  
**Department of Purchasing**

**§ C-74. Director of Purchasing.**

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

Commented [KAG36]: Matrix 30



## ARTICLE XVII

**Department of Economic Development<sup>22</sup>**  
**[Added 9-17-2019 by L.L. No. 5-2019]****§ C-75. Director of Economic Development.**

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

Commented [KAG37]: Matrix 30

**§ C-76. (Reserved)**

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22. Editor's Note: Former Art. XVII, Real Property Tax Service Agency, was repealed 8-14-2012 by L.L. No. 7-2012.

ARTICLE XVIII  
Department of Public Defender

**§ C-77. Public Defender.**

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

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

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

**§ C-79. Acting Public Defender.**

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

§ C-80

ULSTER COUNTY CODE

§ C-80

**§ C-80. Special counsel.**

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

C:64

ARTICLE XIX  
County Clerk

**§ C-81. Election and qualifications.**

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

**§ C-82. Powers and duties.**

The County Clerk shall:

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

ARTICLE XX  
**Sheriff**

**§ C-83. Election and qualifications.**

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

**§ C-84. Powers and duties.**

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

**§ C-85. Undersheriff.**

Within 10 days after entering upon the duties of the office, the Sheriff shall appoint an Undersheriff to serve at the pleasure of the Sheriff as provided by law. The Undersheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

**§ C-86. Deputies.**

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

§ C-87

CHARTER

§ C-89

ARTICLE XXI  
District Attorney

**§ C-87. Election and qualification.**

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

**§ C-88. Powers and duties.**

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

**§ C-89. Assistant District Attorneys.**

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

## ARTICLE XXII

**Fire Coordinator and Fire Advisory Board****§ C-90. Fire Coordinator.**

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

**§ C-91. Fire Advisory Board.**

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

ARTICLE XXIII  
Office for the Aging

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

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

Commented [KAG38]: Matrix 30



#	Submitted By	Description of Change	Date Submitted	Determination	Member Note (Y/N/Discuss)	Relevant Charter Section(s)
38	Thomas Kadgen	Reimburse up to \$10,000 court and attorney fees to any plaintiff that successfully sues County for breaching Charter	3/23/2023	Revision Declined		1
8	March Gallagher	Convene Charter Revision Commission at least once every five years	10/4/2022	Revision Accepted		5
51	Legislature	Charter Revision Commission convenes every 10 years	3/1/2023	Seeking Reconsideration		5
52	Legislature	Charter revision commission meets every 10 years "from the previous Commission's first meeting"	3/1/2023	Seeking Reconsideration		5
9	March Gallagher	Clarify definition of "department"	10/4/2022	Accepted 3/9/2023		6
10	March Gallagher	Add definition for "departmental estimates"	10/4/2022	Accepted 3/9/2023		6
81	Hector Rodriguez	Add definition of "read-only access"	4/10/2023	Accepted 4/10/2023		6
64	Town Supervisors	Convert County Legislature to a Board of Overseers format of government	3/9/2023			7
53	Legislature	No county legislator shall hold other elective public office, exempting membership on School Board	3/1/2023			9
48	Thomas Kadgen	Add language to section on reapportionment commission where decision on chair can be changed at any time	2/2/2023	Revision Accepted with change		10
54	Legislature	Request section allowing the reconvening of the commission on reapportionment	3/1/2023			10
62	Fawn Tantillo	County Executive ensures qualifications for reapportionment appointees	2/10/2023			10
63	Fawn Tantillo	Provide mechanism for reconvening reapportionment committee	2/10/2023			10
11	March Gallagher	Raise threshold for executive contracts from \$50,000 to \$100,000	10/4/2022	Reconsidered		11
28	Ed Jordan	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	Reconsidered		11
29	Brendan Mastersson	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	Reconsidered		11
35	Thomas Kadgen	Mandatory issuance of subpoena if request for material is ignored or denied	11/18/2022			11
36	Thomas Kadgen	Add provision to allow Legislature to act on any mandate that fails to be met or impasse	11/18/2022	Revision Declined		11
50	Legislature	Contract approval stays at \$50k	3/1/2023	Reconsidered		11
55	Legislature	Prohibit renaming of positions without legislative oversight and approval	3/1/2023			11
67	Thomas Kadgen	Appoint an oversight committee for capital projects over 1 million dollars	3/23/2023	Revision Declined 4/6/2023		11
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	Revision Declined 4/6/2023		21
66	Thomas Kadgen	Require County Executive to be a qualified elector of the County for a period of 3 years	3/2/2023	Accepted 4/6/2023		23
56	Legislature	Require notification when vacancy is created by departure of a department head	3/1/2023			26
31	Brian Woltman	Adopt succession plan for County Executive including election of a C.E. and Prime Deputy ticket	11/10/2022	Subcommittee		29
61	Board of Elections	Change method for replacing County Executive upon vacancy.	2/22/2023	Subcommittee		29
68	Thomas Kadgen	A vacancy for Executive shall be filled by an Acting Executive chosen by a majority of the Ulster County Legislature. That the Acting Executive shall serve at the pleasure of the Legislature until a new Executive is elected. That the election for the unfinished term of the ex-Executive shall have enough time to go through either a State or County scheduled primary, of which shall be determined by a majority of the County Legislature.	3/23/2023	Revision Declined 4/11/2023		29
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	Clarified in 3/9/2023 Submission		33
57	Legislature	Budget estimates should be provided to Legislature and Comptroller when submitted to Commissioner of Finance	3/1/2023			33
65	March Gallagher	Require copy of estimates to be submitted to the Clerk "and the Comptroller upon the proposal of the executive budget"	3/9/2023	Pending Further Discussion as fo 4/10/2023		33
58	Legislature	Release date for proposed budget advanced one month (i.e. first Friday in September)	3/1/2023			34
69	March Gallagher	Include language: The proposed County budget shall include economic and revenue forecasting to provide guidance on the current conditions in, and probable outlook for the performance of, the economy of the state and county, as well as the effect of such conditions and such performance on county receipts. The forecasting shall speak to expected tax receipts on an all-funds basis and anticipated miscellaneous receipts to be received in the general fund.	4/6/2023	Pending Further Discussion as of 4/10/2023		34

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78 March Gallagher	Include language: "The proposed County budget shall include economic and revenue forecasting to provide guidance on the current conditions in, and probable outlook for the performance of, the economy of the state and county, as well as the effect of such conditions and such performance on county receipts. The forecasting shall speak to expected tax receipts on an all-funds basis and anticipated miscellaneous receipts to be received in the general fund."	4/6/2023 Pending Further Discussion as of 4/10/2023	34
59 Legislature	Allow a Legislature-designated committee to attend public hearings on the proposed Budget, rather than requiring the entire Legislature	3/1/2023	37
13 March Gallagher	Establish a deadline of December 31 for public posting of the budget	10/4/2022 Revision Accepted	38
60 Legislature	Disallow transfer of budget to allow for increase of rate of pay or annual salary of county employment position, require notification of transfers to Legislature within 30 days after transfer is made	3/1/2023	40
45 Barbara Hill	Raise maximum term limit for service on CSB	12/8/2022	45
46 Barbara Hill	Increase mental health subcommittee size to 11 persons from 9	12/8/2022	45
49 Planning Board	Allow Planning Director to review proposed actions in event the Planning Board is unable to act	2/9/2023 Revision Accepted	50
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. The Commissioner of Finance must be free from any conflicts of interest, must be capable of providing objecting and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties.	10/4/2022 Accepted 4/10/2023	53
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 Withdrawn	53
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 Accepted 4/10/2023	53
17 March Gallagher	Change the required submission date of the Annual Update Document (AUD) [Financial Report] 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 Accepted	53
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 Accepted 1/12/2023	53
70 March Gallagher	Include subsection: Ensure proper segregation of duties within financial procedures	4/6/2023 Accepted 4/10/2023	53
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 Accepted 4/10/2023	56
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 Revision Accepted	57
21 March Gallagher	Remove bank reconciliations from Comptroller's responsibilities	10/4/2022 Revision Accepted 1/12/2023 Meeting	57
22 March Gallagher	Provide Comptroller authority to audit revenues	10/4/2022 Revision Accepted	57
23 March Gallagher	Provide explicit authority to audit public benefit corporations or component units of County government	10/4/2022 Revision Accepted 4/10/2023	57
24 March Gallagher	Grant authority to subpoena documents including digital records and access to software licensed or owned by the County	10/4/2022 Revision Accepted 4/10/2023	57
72 March Gallagher	Include language: The Comptroller shall have read-only access to all software systems of the County except where precluded by law.	4/5/2023 Accepted 4/10/2023	57
73 March Gallagher	C-57(B) include language: "and investments"; provided read-only access to all County accounts	4/5/2023 Accepted 4/10/2023	57
74 March Gallagher	C-57(D) include language: "contract related payments"	4/5/2023 Withdrawn 4/10/2023	57
76 March Gallagher	C-57(J) change "required" to "requested"	4/5/2023 Accepted 4/10/2023	57
75 March Gallagher	C-57(E) include language: "and journal entries"	4/5/2023 Accepted 4/10/2023	57
80 March Gallagher	Include language: "The Comptroller shall be authorized to have read-only access to all County accounts and be provided access to all such accounts at all times."	4/5/2023 Accepted 4/10/2023	57
25 March Gallagher	Remove Charter sections regarding filing of Comptroller vacancy by Legislature	10/4/2022 Subcommittee	60
77 March Gallagher	Require comptroller vacancy to be filled according to independence standards set forth by the USGAO	4/5/2023 Accepted 4/10/2023	60
39 Thomas Kadgen	County Attorney must be confirmed by Legislature	11/22/2022 Accepted 4/6/2023	69

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71	March Gallagher	Include language: The Director of Purchasing must be free from any conflicts of interest, must be capable of providing objective and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties.	4/6/2023	Pending Further Discussion as of 4/10/2023	74
79	March Gallagher	Include "The Director of Purchasing must be free from any conflicts of interest, must be capable of providing objecting and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties."	4/6/2023	Pending Further Discussion as of 4/10/2023	74
1	Patrick Long	Remove reference to Consumer Fraud Bureau	9/16/2022	Revision Accepted	93
26	March Gallagher	Remove section on residential healthcare facilities	10/4/2022	Revision Accepted	99
44	Human Rights Comm.	Chair of Commission selected by commission, not County Executive	12/8/2022		100
42	Human Rights Comm.	Allow for filling of long-vacant seats by Commissioner	12/8/2022		101
43	Human Rights Comm.	Increase number of members from 11 to 15	12/8/2022		101
47	Nina Postupack	County Historian Appointed by Clerk instead of Exec	1/12/2023	Revision Accepted	103
40	Thomas Kadgen	Periodic Compensation Board member qualification should exclude former county officials	11/22/2022		108
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		110
37	Thomas Kadgen	Mandate salary recommendations of periodic compensation board be placed before Legislature in separate salary categories for a vote	11/18/2022		110
2	Nancy Schmidt	Remove reference to Community Corrections Department	9/29/2022	Revision Accepted	124
3	Juan Figueroa	Streamline budget approval process	9/29/2022		
4	Juan Figueroa	County Attorney works for county executive, not the elected officials of the county	9/29/2022		
5	Brian Slack	Increase number of Traffic Safety Board appointees from 12 to 15	10/5/2022	Revision Declined	
6	Thomas Kadgen	Process for filling vacancies for vacated offices	10/5/2022	Elaborated in 11/14 submission	
7	Thomas Kadgen	Charter has been ignored/circumvented	10/5/2022	Elaborated in 11/14 submission	
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	Revision Accepted	
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	Subcommittee	
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	Later limited to County Executive	
81	Dave Donaldson	Replace local assessors with county-wide assessor position	4/12/2023		