

Agenda



Charter Revision Commission

Date/Time: 4/17/2023 at 5:00 PM
Zoom Mtg ID: 840 4292 4344

Location(s): 244 Fair St., 6th Fl., Kingston, NY

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*

Agenda Items:

1. Call to Order / Roll Call / Welcome Guests and Members of the Public
 2. Approval of April 13, 2023 meeting minutes [see pages 2-5]
 3. Public Comment (if any)
 4. Commissioners Ashley Torres and John Quigley of the Ulster County Board of Elections will speak regarding their proposed revision to C-29 [see pages 6-10]
 5. Review and Discussion of Chart of Proposed Revisions Matrix [see pages 11-20]
 6. Review and Discussion of Charter Sections C-93 through C-104 [see pages 21-25]
 7. Adjournment
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Other Information:

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: April 13, 2023 at 5:15 PM

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

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

** 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

Quorum: Yes

Other Attendees: Tyrone Wilson, Human Rights Commissioner
Kathleen Harrison, Human Rights Specialist
Amanda LaValle, Deputy County Executive
Alicia DeMarco, Deputy Comptroller
Charles Dinstuhl, Deputy Comptroller
Cynthia Bell, League of Women Voters – Mid-Hudson Region
Patricia Doxsey, The Daily Freeman
Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Dante De Leo, Assistant County Attorney

The Commission held a Public Hearing at 5:00 PM. There were no speakers and no one submitted any comments. The Public Hearing was closed at 5:15 PM.

Chairperson Mihm called the meeting to order at 5:15 PM.

Motion No. 1: Motion to Approve the April 10, 2023 Meeting Minutes

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None

Disposition: Motion No. 1 passed 9-0.

Public Comment: None

Commission Members reviewed Charter Sections C-67 through C-92.

Commission Member Scott McCarthy arrived at 5:23 PM.

Commission Members discussed C-74 and the Comptroller's proposed change relating to the Director of Purchasing being free from any conflicts of interest. Chair Mihm recognized Deputy Comptroller Alicia DeMarco who advised the Commission that the Comptroller had spoken to the County Executive who requested time to review the language. Commission Member Rodriguez noted that there was a concern that the proposed language was singling out the Director of Purchasing. Commission Member Tantillo noted that similar language is in the ethics law and that she did not see the need for the redundancy. Commission Member Woltman noted that he is the Director of Purchasing for the City of Kingston and spoke in opposition to the proposed language. Commission Member Woltman raised concerns with the word "any" and questioned what would count as a "conflict of interest." He noted that the procurement process is designed to be fair and impartial and focuses on the lowest responsible bidder. Commission Member Harris stated that the language should not be a problem. Commission Member Tantillo discussed recusals and reiterated that she did know if the proposed redundant language was needed. Commission Member Simonofsky asked if it would be better if the language stated that the Director of Purchasing "shall disclose" possible conflicts of interest. Deputy Comptroller DeMarco advised the Commission that the intent was to mimic the financial disclosures and ethics law which talks about immediate family members and household members, and that she would add language to the proposal. Commission Member Woltman noted that the Ulster County Purchasing Department has robust procedures and a magnificent reputation in the field.

Regarding Commission Member Kadgen's proposal set forth in Matrix No. 33, to remove the "alternative sentencing administrative unit" reference from the Charter, Assistant County Attorney Williams noted that he did not find such language in the Charter. Commission Member Kadgen withdrew the proposal.

The Commission decided to postpone any discussion of Commission Member Donaldson's proposal relating to a County-wide assessor until they receive proposed language from Commission Member Donaldson or he is present.

Commission Member Rodriguez requested information from the County Attorney's Office as to the former County Executive's theory behind requiring elected officials to submit conference

request forms. Deputy Comptroller DeMarco advised the Commission that the Comptroller spoke to the Executive, and the Executive had no issue with no longer requiring approvals for the separately elected offices. Chair Mihm asked if there was anything to do in the Charter. Commission Member Rodriguez noted that there may be a need for putting guardrails in the Charter.

Commission Members discussed the proposed revision set forth in Matrix Item No. 53: “No county legislator shall hold other elective public office, exempting membership on School Board.” Commission Member Rodriguez noted that he was against the idea of carve-outs. Commission Members discussed carve-outs and which offices would or should be included. Chair Mihm spoke in favor of school board members being allowed to serve on the Legislature. Commission Member Tantillo suggested naming the specific offices that should not serve on the Legislature. Commission Members discussed Resolution No. 374 of 2019. Assistant County Attorney Williams noted that Section C-9(B) of the Charter reads: “No County Legislator shall hold at the same time any other elective public office” and that Section C-23 includes similar language: “The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.” Commission Member Harris asked whether the Commission wants to mimic the resolution’s language in the Charter. Commission Members McCarthy and Kadgen spoke in opposition to the proposed change and any carve-outs.

Motion No. 2: Motion to Reject the Proposal set forth in Matrix Item No. 53

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: None

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

Voting against: None

Disposition: Motion No. 2 passed 10-0.

The Commission discussed Commission Member Harris’s proposal regarding future Commissions being able to submit a two-part report, the first part being items to fast-track and the second part being items needing more in-depth discussion. Commission Member McCarthy suggested that in the future that Department Heads submit proposals ahead of the Charter Revision Commission’s first meeting, e.g. six months in advance. Commission Member Tantillo noted that if there is something of urgency, nothing would stop the Legislature from addressing it without a report from the Commission. The Commission requested that the County Attorney’s Office draft language reflecting the proposals put forth by Commission Member Harris and Commission Member McCarthy. Assistant County Attorney Williams noted that the proposals might necessitate further changes to the Charter.

Motion No. 3: Motion to Adjourn

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None.

Disposition: Motion No. 3 passed 10-0.

Meeting adjourned at 6:27 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

Memo for Charter Revision Commission

C-29 Acting County Executive

Current Language with selections bolded:

*D: If the vacancy in the office of the County Executive occurs **more than 180 days before the next general election**, it shall be filled for the remainder of the unexpired term by a special election to be held **no later than 90 days from the date the vacancy occurs**. The person so elected shall serve for the balance of the unexpired term commencing 30 days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. **Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on the date of a primary election or the next general election.***

*E: If said vacancy may be filled by a general election to be held **no more than 180 days after the vacancy occurs**, then **no special election shall be held, and the vacancy shall be filled by a general election**. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy.*

Vacancies in the office of County Executive since 2019:

The office of County Executive has been vacated twice. In 2019, with the vacancy created by the resignation of former County Executive Mike Hein, a Special Election was called for April 30th of that year to complete the remaining months of his four-year term, pursuant to section D referenced above. 17,466 votes were cast in that election and turnout reports reflect that this accounted for 14% of duly qualified voters at the time (based on 117,432 registered, active voters on April 30, 2019). Certification of this Special Election occurred on May 10, 2019.

In 2022, following the results of the August 23, 2022, Special Election to fill the vacancy caused by the resignation of then Congressman Antonio Delgado, then County Executive Pat Ryan, upon winning the election for Congress, created a vacancy for County Executive. That vacancy was filled at the November 8, 2022, General Election despite it being out of concert with NYS Election Law 6-158(14), which states “a vacancy occurring three (3) months before a General Election in any year in any office are authorized to be filled at a General Election” with 3 months before the November 8th General Election falling on August 8th of that year. The justification for the County’s ability to conduct the public vote to fill the vacancy at the General Election, despite being beyond the State of New York’s deadline for ballot access, was Administrative Code A3-8(C), “a vacancy occurring in the office of County Executive before the 20th day of September of any year shall be filled at the next general election as provided by the Public Officers Law”.

78,724 votes were cast in that election and turnout reports reflect that this accounted for 61% of duly qualified voters at the time (based on 127,333 registered, active voters on November 8, 2022). Certification of the November 8, 2022, General Election was delayed until December 13, 2022, due to a county-wide recount for the offices of State Supreme Court.

Changes to Election Law:

Since the adoption of the UC Charter, New York State Election law has been drastically amended. In 2019, a new political calendar cycle was adopted to push the Primary selection process back from mid-September to the last Tuesday in June. Additionally, early voting became law that same year, with the program launching at the November 2019 General Election. Early voting requires 10 days of in person voting starting 11 days before any Presidential Primary, State and Local Primary or General Election. A NYS State recount law was adopted in 2021 which requires any contests conducted in a public vote in the State of New York be subject to recount when minimum thresholds are met in the vote count between the winning and losing candidate(s). These are but a few examples of the over 150-chapter law changes to the NYS Election Law that have been implemented in the last 4 years.

Impact of Election Law Changes:

Because of the reality of these changes and their impact on our ability to conduct and certify elections, the Charter should be amended to ensure that the Board of Elections has ample time to prepare for a Special Election when, and if, they are required. Preparation should be understood to mean that voting systems would be available to be programmed and deployed, that election inspectors could be hired and trained to work early voting and election day polling locations, and that polling locations would be available to host the public vote.

For example, in the scenario where the administrative code was not in place, or if the vacancy occurred on the 21st of September, the Board would have been required to conduct a Special Election in early to mid-December of 2022. The reality of that scenario would have resulted in the Board of Elections not having the resources, particularly in a total lack of available voting systems, to conduct an election in that timeframe. All voting systems were effectively impounded by the required recount of the State Supreme Court until December 13th, and with the requirements of early voting in place the Board would not have had the bandwidth to administer active early voting days and prepare for a County-wide Special Election while also conducting a recount of over 78,000 ballots.

Similar scenarios could also be disruptive to Primary Elections if a vacancy were to occur and overlap with the timeframes of the annual June Primary or the March-April Presidential Primaries that occur every four years. Simply put, there needs to be recognition of the constraints that the modern New York elections calendar puts on the declaration of off cycle Special Elections. The days of a singular election day with paper poll books and a lever machine are far behind us and the Charter should reflect this reality.

Another point that should be noted is that Special Elections do not have the same participation by the electorate as either Primary or General Elections. As noted above, the difference in turnout between the off-cycle April 2019 Special Election and the November 2022 General Election was a factor of 47% in participation drop off. I have found in administering elections, the best practices that result in the best turnout is consolidation of election days and consistency in when those elections occur. Which, with amendments could be achieved to avoid voter fatigue.

Proposed Amendments:

There exist two scenarios that the Commission can consider in rectifying this problem. The solutions proposed below require the Commission to decide what is more important to the voters of Ulster County: filling the vacancy as soon as practical while allowing political party leaders the decision-making power to select candidates for their party or allowing the office to remain vacant longer to allow for a Primary selection process.

Filling the Vacancy as soon as practical:

The proposal that would address the timeliness of the vacancy to fill it as soon as practical would be an amendment to the Charter that utilizes the regular political calendar to conduct the public vote to fill the vacancy. The Primary Elections that occur in June are about 130 days from the General Election. The Board has proven that we can conduct a Primary Election alongside a Special Election, as we did in August of 2022. In that election 40,128 votes were cast, and turnout reports reflect that this accounted for 32% of duly qualified voters at the time (based on 125,001 registered, active voters on August 23, 2022). We estimate that the Board would see even more participation in a June Special/Primary scenario since the August election was not the regular time for voting, and it still more than doubled the turnout of the April 2019 Special Election. A vacancy that occurs before April 15th in a non-Presidential year could be filled at the next June Primary Election, giving the board, and the political parties fielding and nominating candidates, time to prepare the ballot for a June Special.

Once the June Primary ballot is set in early May we are locked into an active election until mid-July to early-August due to the capacity for recounts to take place. The General Election ballots are set in early September, which allows for the Administrative Code, which thankfully was in place in 2022, to remain unchanged, allowing a vacancy occurring after April 15th and through September 20th to be placed on the General Election ballot. Once the General Election ballot is settled in September we are locked into an active election until late November to mid-late December due to the capacity for recounts to take place for those elections.

If a vacancy were to occur after the September 20th Administrative Code deadline (if it remains in place), and the next year was a non-Presidential election year, there exists the ability for a Special Election to occur in March or April the following year, if desired, albeit with a likely turnout of under 20%. However, please be mindful that if the following year were a Presidential Election year that would be impossible, and instead a vacancy could be filled in tandem with that Presidential Primary Election, as it is an existing election event required to be conducted. Please

note that the NYS Legislature determines the date of the Presidential Primary in early January. Alternatively, avoiding a Special Election entirely in that timeframe would allow someone to be in the role of Acting County Executive for a period of approximately 280-300 days (September 21-July 15), depending on when the June Special Election would be certified.

Please note that when the vacancy is to be filled at a Special Election and it does not correspond with the regular petitioning cycle that occurs in March the parties select their candidates to appear on the designated parties (Democrat, Republican, Conservative, Working Families Party) as their rules prescribe (see Election Law 6-116). This has twice resulted in the County Committee of both the Democratic and Republican parties in nominating their candidates through a convention process with roughly 300 voting members that represent the various election districts of the County on their respective Party Committees. The Conservative and Working Families Party also select their candidates as their rules provide. The Working Families Party is not constituted in Ulster County effectively allowing their leadership at the State Party level choosing the WFP candidate for Ulster County as non-Ulster County residents. This practice has come under some level of scrutiny in the selection of Party's County Executive candidates in both 2019 and 2022.

Waiting to Fill the Vacancy, giving the electorate more say in their candidate selection:

The alternate proposal to filling a vacancy would follow the practices that are deployed in municipal elections when a vacancy occurs. The concept is relatively simple, if a vacancy occurs after the Election Law cut off for placing candidates on the ballot for the General Election, then the position is not balloted until the following General Election. In the case of municipal offices that become vacant "after seven days before the last day for circulating designation petitions" the Town Board selects the person who will fill the seat until such time when a candidate can be nominated using the mechanism of the petitioning process. For the purposes of this comparison to municipal offices you should assume that the Town or City selects candidates by Petition, as opposed to a Caucus. In the case of the County Executive, the Acting County Executive would remain Acting Executive until a new Executive is nominated, participates in a Primary, if necessary, and ultimately is elected and assumed office on January 1st following their election. This would elongate the time an Acting Executive would have the capacity to serve but it would directly address the complaints of voters who were not able to participate in their Party's selection of a candidate and it would always guarantee that the election to fill the remaining year(s) of a term would occur at a General Election.

Conclusion:

As an advocate for the voters of Ulster County we cannot overstate the impact that fatigue has on the electorate. The voters deserve to have their voices heard and the democratic process of elections affords them that unique opportunity. I hope we can continue this conversation further as you develop your recommendations.

One last thing:

In 2017, “charge backs” i.e., the ability for the Board of Elections to invoice municipalities for election expenses was removed and the cost of elections is now the full responsibility of the County. The Charter language should reflect that change in the above referenced section.

Respectfully submitted,

Ashley Torres, Democratic Commissioner
Ulster County Board of Elections

John P. Quigley, Commissioner
Ulster County Board of Elections

dispute resolution center within Ulster County operated under the auspices of Article 21-A of the Judiciary Law for the sole purpose of conducting such a nonbinding mediation and conciliation as specified herein.

- C. The Commission or its authorized designee shall actively monitor and assist persons with such claimed human rights violations through the process administered by the State Division, or pursuant to § C-101B hereof by the local Hearing Officer, for such claims that have not been successfully resolved by the Commission, or its authorized designee, through mediation and conciliation at the local level should such persons elect to file a discrimination claim with the State Division or the local Hearing Officer. The assistance rendered under this subsection shall not include the rendering of legal advice or legal representation to any party.
- D. The Commission or its authorized designee shall maintain records of all complaints received by it during each calendar year and shall make a report to the County Legislature by March 31 of each year summarizing the number, type and disposition of such complaints. Such annual report shall not include names or personal identifying information of any party.

ARTICLE XXIV
Consumer Fraud Bureau

§ C-93. Director of Consumer Affairs.

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

§ C-94. Director of Weights and Measures.

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

Commented [RW39]: Matrix 1

ARTICLE XXV
Veterans' Service Agency

§ C-95. Director of Veterans' Service.

There shall be a Veterans' Service Agency headed by a Director of Veterans' Service who shall be appointed by the County Executive on the basis of his or her education and experience qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and serve at the County Executive's pleasure. He or she 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 Veteran's Service Agency, including power to appoint and remove officers and employees therein, and perform such other and related duties required by the County Executive or County Legislature.

Commented [KAG40]: Matrix 30

§ C-96

CHARTER

§ C-96

ARTICLE XXVI
Department of Probation

§ C-96. Director of Probation.

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

C:79

ARTICLE XXVII
Board of Elections

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

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

ARTICLE XXVIII
County Jury Board; Commissioner of Jurors

§ C-98. Powers and duties.

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

~~ARTICLE XXIX~~
~~Department of Residential Health Care Facilities~~

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

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

Commented [RW41]: Matrix 26

ARTICLE XXX
Commission of Human Rights

§ C-100. Commissioner of Human Rights.

There shall be a Commission of Human Rights headed by a Commissioner of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at his or her pleasure. The Commissioner shall have authority, dominion and control over the department, and have the power and authority to appoint and remove officers and employees therein.

Commented [KAG42]: Matrix 30

§ C-101. Membership; duties; appointments; terms of office.

- A. The Commission of Human Rights shall be constituted in accordance with and exercise the powers and duties specified in Article 12-D of the General Municipal Law and other related duties required by the County Executive and/or the County Legislature.
- B. The Commission of Human Rights shall have 11 members appointed to terms of three years, three members of which shall be appointed by the legislative Chairperson, three members by the legislative minority leader, and five members by the County Executive, one of which shall be designated by him or her as the Commission Chairperson. Appointments shall be representative of the various religious, racial, ethnic and nationality groups in Ulster County's communities. No member of the Commission of Human Rights shall serve more than four consecutive terms of three years. [Amended 8-14-2018 by L.L. No. 4-2018; 4-20-2021 by L.L. No. 3-2021]

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

- A. The Commission of Human Rights shall have all of the authority, powers, duties and obligations expressly set forth in Article 12-D of the General Municipal Law, and shall also have the authority to engage in processes of conference, conciliation and persuasion, with the active assistance of the New York State Division of Human Rights ("State Division"), if needed, in the mediation and solution of complaints within the jurisdiction of the State Division, so as to amicably resolve such complaints, reduce tensions, build consensus, and foster harmony between the various and diverse communities within Ulster County and to otherwise report, but not initiate, any such complaints to the State Division, and shall also have the authority to create bylaws for its own governance, proceedings and activities, but shall not exercise any powers, duties or obligations not otherwise expressly set forth in General Municipal Law Article 12-D.
- B. The Commission is authorized to receive complaints of all persons in Ulster County with claimed human rights violations arising under any New York State, federal or local human rights law or regulation occurring in Ulster County and to engage all interested parties who consent to do so in an effort to mutually resolve such complaints through mediation and conciliation before the Commission or its authorized designee. In the event that no members of the Commission are able or willing to engage in mediation or conciliation of a given complaint as in the case of a conflict of interest then, subject to legislative appropriation sufficient to pay the expense thereof in a sum not to exceed \$10,000 per year, such complaints may be referred upon consent of all parties to the complaint, to an accredited community

§ C-103

CHARTER

§ C-103

ARTICLE XXXI
County Historian

§ C-103. Appointment; powers and duties.

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

Commented [KAG43]: Matrix 47

ARTICLE XXXII
Ulster County Community College

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

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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

#	Submitted By	Description of Change	Date Submitted	Determination	Member Note (Y/N/Discuss)	Relevant Charter Section(s)
38	Thomas Kadgen	<i>Reimburse up to \$10,000 court and attorney fees to any plaintiff that successfully sues County for breaching Charter</i>	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 Tanillo	County Executive ensures qualifications for reapportionment appointees	2/10/2023			10
63	Fawn Tanillo	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 Masterson	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 retaining 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 Wolman	Adopt succession plan for County Executive including election of a C.E. and Prime Deputy ticket	11/10/2022	Subcommittee		29

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

61 Board of Elections	Change method for replacing County Executive upon vacancy.	2/22/2023 Subcommittee	29
68 Thomas Kadgen	<i>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.</i>	3/23/2023 Revision Declined 4/11/2023	29
12 March Gallagher	<i>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.</i>	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
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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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	<i>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.</i>	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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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
79 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
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
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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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	
80 Dave Donaldson	Replace local assessors with county-wide assessor position	4/12/2023	