

Agenda



Charter Revision Commission

Date/Time: 4/6/2023 at 5:00 PM
Zoom Mtg ID: 840 4292 4344

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

Commission Members:

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

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

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

Agenda Items:

1. Call to Order / Roll Call / Welcome Guests and Members of the Public
2. Approval of March 9, 2023 meeting minutes [see pages 2-5]
3. Public Comment (if any)
4. Ulster County Sheriff Juan Figueroa will speak on proposed changes to the Charter
5. Discussion of setting a special meeting for the Ulster County Legislature's proposals
6. Review and Discussion of Commission Member Thomas Kadgen's proposed changes to the Charter [see pages 6-7]
7. Review and Discussion of Charter Sections C-53 through C-66 [see pages 8-22]
8. Review and Discussion of Chart of Proposed Revisions Matrix [see pages 23-24]
9. Adjournment

Other Information:

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: March 9, 2023 at 5:00 PM

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

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

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

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

Absent Hector Rodriguez
Frank Cardinale

Quorum: Yes

Other Attendees: Christopher Kelley, Deputy County Executive
March Gallagher, Comptroller
Alicia DeMarco, Deputy Comptroller
Tyrone Wilson, Commissioner, Ulster County Human Rights Commission
Kathleen Harrison, Human Rights Commission
Mike Baden, Supervisor, Town of Rochester
Tim Rogers, Mayor, Village of New Paltz
James Quigley, Supervisor, Town of Ulster
Melinda McKnight, Supervisor, Town of Hurley
Patricia Doxsey, Daily Freeman
Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Dante De Leo, Assistant County Attorney

Chairperson Mihm called the meeting to order at 5:01 PM.

Motion No. 1: Motion to Approve the March 2, 2023 Meeting Minutes

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

Disposition: Motion No. 1 passed 9-0.

Public Comment: None

Chair Mihm recognized Mike Baden, Town of Rochester Supervisor, who made a PowerPoint presentation on behalf of the Ulster County Association of Town Supervisors and Mayors which proposed amending Article II of the Charter to revert to a County Board of Supervisors. James Quigley, Town of Ulster Supervisor, and Tim Rogers, Village of New Paltz Mayor, both spoke in favor of the proposal.

Commission Members Simonofsky and Woltman questioned the presenters about the proposal. Commission Member Donaldson expressed concerns about the proposal and took the position that the Commission should not pursue it. Commission Member Tantillo expressed concerns about the proposal and took the position that the proposal is beyond the scope of the Commission. Commission Member Harris took the position that the Commission should explore the proposal further.

Motion No. 2: Motion to Create a Subcommittee to Consider the Proposal to Revert to a County Board of Supervisors

Motion made by: Commission Member Shannon Harris

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Members McCarthy and Simonofsky requested to serve on the subcommittee. Commission Member Tantillo expressed concerns about timing. Commission Members discussed issuing a report to the Legislature in May and continuing to meet and consider the Board of Supervisors proposal until September. Commission Member Kadgen noted that the Charter states that once the report is issued, the Commission is dissolved. Assistant County Attorney Williams advised the Commission that once the report is issued, the Commission is dissolved. Chair Mihm stated that if the Commission submits a report to the Legislature in May,

then the Commission is done. Commission Member Harris withdrew the motion pending clarity on the meaning of the Charter.

Disposition: WITHDRAWN

Chair Mihm recognized Deputy County Executive Chris Kelly who spoke (1) to withdraw the County Executive's support of the proposal to raise the legislative contract amount to \$100,000, and (2) in support of the Comptroller's proposal regarding departmental estimates.

Chair Mihm recognized Comptroller March Gallagher who spoke in support of her proposal on departmental estimates (Sections C-6 and C-33 of the Charter).

Motion No. 3: Motion to Accept Comptroller's Proposed Changes to Sections C-6 and C-33 of the Charter relating to Departmental Estimates

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Dave Donaldson

Discussion: None.

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

Voting against: None

Disposition: Motion No. 3 passed 9-0.

Commission Member Tom Kadgen spoke in support of his proposal to add a residency requirement to Section C-23 of the Charter relating to the County Executive. Commission Members Tantillo and Woltman expressed concerns about its legality. The Commission requested an opinion from the County Attorney's Office.

Chair Mihm recognized Tyrone Wilson, Human Rights Commissioner, who expressed concerns about the Charter sections relating to the Human Rights Commission and its Commissioner. Chair Mihm requested that Commissioner Wilson submit his proposed Charter revisions to the Commission. Commission Member Tantillo requested that the County Executive's Office also weighs in.

The Commission reviewed and discussed the Matrix and Charter Sections C-41 through C-52.

Motion No. 4: Motion to Accept Proposed Revision to Section C-50

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Dave Donaldson

Discussion: None.

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

Voting against: None

Disposition: Motion No. 4 passed 9-0.

Commission Member Harris read aloud Section C-52 and spoke in support of strengthening the County's Comprehensive Plan. Commission Member Harris requested that the Commission send a memo to the Planning Department regarding the Comprehensive Plan.

Commission Member Shannon Harris left the meeting at 6:47 pm.

Motion No. 5: Motion to Adjourn the Meeting

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member Brian Woltman

Discussion: None.

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

Voting against: None

Disposition: Motion No. 5 passed 8-0.

Meeting adjourned at 6:47 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

C-1 (add C) add

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

Rationale:

Both branches have ignored the Charter and concerned citizens shouldn't have to pay to have their Charter laws obeyed

C-11 K (2) add

Shall appoint an oversight committee for capital projects that cumulatively exceed X million dollars.

Rationale:

Previously recommended by the Grand Jury and Legislative investigator regarding the years late and 30 million over budget construction of the jail.

C-11-M. Strike and replace

To determine and make provision for any impasse of government not otherwise provided for by the Ulster County Charter

Rationale:

Some provision needs to be added that allows for unexpected impasses that Municipal Law or the Charter doesn't cover.

For example the redistricting map that didn't conform to State law and had to be brought before the court by concerned citizens at their cost.

C-21 Filling membership vacancies. Add

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

Rationale:

Appointing a new Legislator should reflect the majority of voters that voted for the departing Legislator

C-23 Election Qualifications add

The County Executive shall be elected from the County at large, shall be a qualified elector of Ulster County **for at least 3 years** at the time of his or her nomination and election and shall remain a qualified elector of Ulster County throughout his or her term of office. The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.

Rationale:

Ensures that the Executive is familiar the issues and matters of the County.

C-29

Strike entire section

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.

Rationale

Enough time to hold a primary while protecting the county from a possible inept temporary Executive.

C-69Appointment and qualifications.

There shall be a County Attorney, who shall be appointed by the County Executive **and confirmed by the legislature.** and serve at 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.

Rationale

Best practice as the Legislature in most Charter Counties with an Executive confirm the County Attorney

ARTICLE VIII
Department of Finance

§ C-53. Commissioner of Finance.

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

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

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Director of Real Property Tax Service, who shall be appointed by the County Executive and serve at the pleasure of the County Executive. At the time of his or her appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the New York State Real Property Tax Law. He or she shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Deputy Commissioner of Finance/Director of Real Property Tax Service is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. **[Added 8-14-2012 by L.L. No. 7-2012]**

- D. The independent Division of Real Property Tax Service shall: **[Added 8-14-2012 by L.L. No. 7-2012]**
- (1) Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law, including but not limited to the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;
 - (2) Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law;
 - (3) Shall perform such other and related duties as required by the County Executive; and
 - (4) On or before March 1 of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the division. The Deputy Commissioner of Finance/Director of Real Property Tax Service shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

§ C-54. Transition.

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

§ C-55. Deputy Commissioners and staff.

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

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

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ARTICLE IX
Comptroller

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

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

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

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

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- A. Examine, audit, and verify all books, records, and accounts kept by the administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except where precluded by law. The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1 of each year. The Comptroller shall use risk assessment to identify weaknesses in internal controls and shall summarize improvements in internal controls in an annual audit report to the Legislature and Executive by April 1 of each year.
- B. Procure from the depositories with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and reconcile such statements with the County accounts. review bank reconciliations as prepared by the Commissioner of Finance.
- C. Audit records of appropriations, encumbrances, and expenditures, and revenues, and prescribe generally accepted government accounting methods to be used by all units of County government, unless otherwise required by the State Comptroller;
- D. Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;
- E. Prescribe the form for records of appropriation, encumbrances, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;
- F. Audit and certify for payment all lawful claims or charges against the County,

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

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whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;

- G. As he or she determines necessary or appropriate, audit any department, program, ~~or function, or public benefit corporation~~ of County government to assess the degree to which its operation is economical, efficient and/or effective;
- H. To conduct studies and investigations in furtherance of his or her functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses ~~and documents, including digital records and access to software licensed by or owned by the County~~, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;
- I. Submit to the County Legislature and Executive, and post on the County website as frequently as he or she deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed;
- J. Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties required by the County Executive or County Legislature.

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§ C-58. Deputy Comptrollers and staff.

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

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§ C-59. Acting Comptroller.

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

B. Only persons incumbent in County government may be designated to any list of succession for possible service as Acting County Comptroller.

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

~~A. Filling Comptroller vacancy. If a vacancy occurs in the office of the Comptroller of Ulster County for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully~~

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

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~~qualified by law to hold that office by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two weeks after the vacancy occurs, and no later than one month after the vacancy occurs.~~

- ~~B. Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first general election day at which a general election may be held under law to fill this position.~~
- ~~C. Election; person to serve for duration of unexpired term. The person chosen at general election, held as soon as practicable on a general election day under state law to fill a vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.~~

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A. If a vacancy occurs in the office of County Comptroller other than by regular expiration of the term, the person designated under § C-59A as the first successor shall become Acting County Comptroller until the vacancy is filled in accordance with this section. Should the person designated as the first successor be unable to perform and/or exercise the duties of the office, then the person next designated under § C-59A shall become the Acting County Comptroller.

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B. 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 Comptroller 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.

C. If said vacancy may be filled by a general election to be held no more than 180 days

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

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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.

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

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ARTICLE X
Department of Personnel

§ C-61. Personnel Director.

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

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ARTICLE XI
Department of Social Services

§ C-62. Commissioner of Social Services.

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

ARTICLE XII
Department of Public Works

§ C-63. Commissioner of Public Works.

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

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§ C-64. Acting Commissioner of Public Works.

- A. Subject to approval by the County Executive, the Commissioner of Public Works shall specify in writing, and in order of succession, the Deputy Commissioner or Deputy Commissioners and/or other assistants who shall be Acting Commissioner of Public Works in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. This specification shall be filed with the County Clerk and the Clerk of the Legislature and may be

revoked at any time by the Commissioner filing an approved new written designation and order of succession.

- B. The designated Deputy Commissioner of Public Works shall be Acting Commissioner of Public Works in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of the office for no more than 30 days. If the absence or inability of the Commissioner of Public Works shall extend for over 30 days or in the event there is no designated deputy, an Acting Commissioner of Public Works shall be appointed by the County Executive, subject to the County Legislature's confirmation, for a period not to exceed a total of 180 days in addition to the initial thirty-day period, or for the entire two-hundred-ten-day period as appropriate. If the inability of the Commissioner of Public Works shall extend over 210 days, the County Executive, subject to County Legislature confirmation, shall appoint a Commissioner of Public Works. An Acting Commissioner of Public Works shall file his or her designation and oath of office as such with the County Clerk.
- C. An Acting Commissioner of Public Works shall have all the powers and duties of the Commissioner during the period of his or her designation and until his or her successor shall be appointed and qualified under this section or until a new Commissioner of Public Works is appointed and qualified pursuant to law.

§ C-65. Engineering Division.

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

§ C-66. Rules and regulations.

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

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	Reimburse up to \$10,000 court and attorney fees to any plaintiff that successfully sues County for breaching Charter	3/23/2023			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			5
52	Legislature	Charter revision commission meets every 10 years "from the previous Commission's first meeting"	3/1/2023			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
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	Pending Further Discussion		11
29	Brendan Masterson	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	Pending Further Discussion		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			11
50	Legislature	Contract approval stays at \$50k	3/1/2023			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			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			21
66	Thomas Kadgen	Require County Executive to be a qualified elector of the County for a period of 3 years	3/2/2023			23
56	Legislature	Require notification when vacancy is created by departure of a department head	3/1/2023			26
61	Board of Elections	Change method for replacing County Executive upon vacancy.	2/22/2023			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			29
31	Brian Woltman	Adopt succession plan for County Executive including election of a C.E. and Prime Deputy ticket	11/10/2022	Pending Further Discussion		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			33
58	Legislature	Release date for proposed budget advanced one month (i.e. first Friday in September)	3/1/2023			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 for public posting of the budget	10/4/2022	Revise to include deadline of December 31		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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

14	March Gallagher	The Commissioner of Finance shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.	10/4/2022 Pending Further Discussion	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 Pending Further Discussion	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 Pending Further Discussion	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 Pending Further Discussion	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
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 Pending Further Discussion	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	10/4/2022 Request Opinions from Public Benefit Corporations	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 Pending Further Discussion	57
25	March Gallagher	Remove Charter sections regarding filling of Comptroller vacancy by Legislature	10/4/2022 Pending Further Discussion	60
39	Thomas Kadgen	County Attorney must be confirmed by Legislature	11/22/2022	69
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
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 Pending Further Discussion	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 Await further elaboration from Sheriff's Office	
4	Juan Figueroa	County Attorney works for county executive, not the elected officials of the county	9/29/2022 Await further elaboration from Sheriff's Office	
5	Brian Stack	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 Pending Further Discussion	
33	Thomas Kadgen	Remove 'alternative sentencing administrative unit' reference from Charter	11/18/2022	
34	Thomas Kadgen	Extend residency requirements for Executive, County Clerk, and Comptroller to be a registered elector for three years	11/18/2022	
42	Human Rights Comm.	Allow for filling of long-vacant seats by Commissioner	12/8/2022	