

Agenda



Charter Revision Commission

Date/Time: 7/6/2023 at 5:05 PM (or immediately following the public hearing)

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 June 8, 2023 meeting minutes [p. 2-10]
3. Public Comment (if any)
4. Review and Discussion of Statement from County Executive's Office Opposing the Proposed Charter Revision to Subject the Executive Line of Succession to Legislative Approval [p. 11]
5. Review and Discussion of the Draft Resolution and Ballot Language for the Proposed Changes to Section C-29 [p. 12-17]
6. Continue Discussion of County Executive's Recommendations [p. 18-27]
7. Matrix of Proposed Revisions [p. 28-35]
8. Adjournment

Other Information: A public hearing to gather citizen opinion on the strengths and weaknesses of the Charter will be held at 5:00 PM.

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: June 8, 2023 at 5:00 PM

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

Present: Kathleen Mihm (Chair)
Fawn Tantillo*
Scott McCarthy
D. Mici Simonofsky
David Donaldson
Frank Cardinale
Shannon Harris
LeShawn Parker

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

Absent Hector Rodriguez
Thomas Kadgen
Brian Woltman

Quorum: Yes

Other Attendees: March Gallagher, Comptroller
Alicia DeMarco, Deputy Comptroller
Victoria Reid, Deputy Director of Innovation
Dare Thompson, League of Women Voters
Kristin Gumaer, First Assistant County Attorney
Dante De Leo, Assistant County Attorney

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

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

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

Disposition: Motion No. 1 passed 7-0.

Commission Member Frank Cardinale arrived at approximately 5:05 PM.

Public Comment: None.

The County Attorney's Office provided an update to the Commission on the timeline of the direct ballot proposal. Commission Members discussed which proposed revisions should go directly to the ballot.

Motion No. 2: Motion to Amend C-29(B) to Read: "Only a person who is a qualified elector of Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Executive and shall remain a qualified elector throughout the term of office."

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

Disposition: Motion No. 2 passed 8-0.

Motion No. 3: Motion to Amend C-29(H) to Add the Following Sentence: "The Acting County Executive shall hold no other elected public office or full-time employment and shall devote full time to the duties of the office."

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Members discussed whether the proposed qualifications would apply to persons named to the line of succession. Commission Members agreed that the qualifications would only apply to Acting County Executives.

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

Voting against: None

Disposition: **Motion No. 3 passed 8-0.**

Motion No. 4: **Motion to Amend C-29(G) to Read as Follows: “Every new County Executive entering into a term shall file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature consisting of one or more names to serve as Acting County Executive. Such list shall be subject to confirmation by the Legislature. Such list may be modified from time to time subject to confirmation by the Legislature. In the absence of such written designation of order of succession and in the event of the County Executive’s inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive.”**

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Member Tantillo proposed accepting the redline to C-29(G) as proposed with the addition of the sentence “Such list may be modified from time to time subject to confirmation by the Legislature.”

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

Voting against: None

Disposition: **Motion No. 4 passed 8-0.**

Commission Members continued their discussion of which proposed revisions should go directly to the ballot. Commission Members decided to send the approved proposed revisions to C-29 together directly to the ballot.

Motion No. 5: **Motion to Send All Approved Changes to C-29 Directly to the Ballot and to Request that the County Attorney’s Office to Prepare the Necessary Language**

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Shannon Harris

Discussion: Commission Member Tantillo noted that the Commission could send other items directly to the ballot at a later time via a separate resolution.

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

Voting against: None

Disposition: Motion No. 5 passed 8-0.

Commission Members discussed the draft letter supporting Proposed Local Law No. 8 of 2023.

Motion No. 6: Motion to Approve the Proposed Revision to C-11.K as Set Forth in the County's Proposed Local Law No. 8 of 2023

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

Disposition: Motion No. 6 passed 8-0.

Motion No. 7: Motion to Approve the Draft Letter in Support of the County's Proposed Local Law No. 8 of 2023 as Amended

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Member approved the draft letter as amended to include reference to the Legislature's proposed revision to C-11.K.

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

Voting against: None

Disposition: Motion No. 7 passed 8-0.

Commission Members continued their review of Chair Bartels' recommendations.

Motion No. 8: Motion to Strike the Words “Prepared by the Department of Planning” from C-50(B) as set forth in Chair Bartels’ Recommendation # 24.

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member David Donaldson

Discussion: Commission Members clarified that they were approving only the strike in recommendation #24.

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

Voting against: None

Disposition: Motion No. 8 passed 8-0.

Motion No. 9: Motion to Amend C-50(C) in Accordance with Chair Bartels’ Recommendation #25.

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member David Donaldson

Discussion: None.

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

Voting against: None

Disposition: Motion No. 9 passed 8-0.

Motion No. 10: Motion to Reject the Proposed Revision to C-57(H) as set forth in Chair Bartels’ Recommendation #29

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: Comptroller March Gallagher spoke in opposition to Chair Bartels’ Recommendation #29.

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

Voting against: None

Disposition: **Motion No. 10 passed 8-0.**

Motion No. 11: **Motion to Add the Language “shall devote full working time to the duties of the office” to Section C-53 as set forth in Chair Bartels’ Recommendation #26**

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

Disposition: **Motion No. 11 passed 8-0.**

Motion No. 12: **Motion to Reject the Proposed Revision to Section C-53(C) as set forth in Chair Bartels’ Recommendation #27**

Motion made by: Commission Member Shannon Harris

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Member Tantillo noted that the County Executive’s Office opposed Chair Bartels’ recommendation #27, which would subject the CE’s appointment of the Director of Real Property Tax Service to confirmation by the Legislature. Comptroller Gallagher noted that state law speaks to the appointment of the Director of Real Property Tax Service. Victoria Reid spoke on behalf of the County Executive’s Office and noted that the Director of Real Property Tax Service should be treated differently than Department Heads because the Director serves as a Deputy to the Director of Finance, and Real Property is a Division, not a Department. Commission Member Harris spoke in opposition to the proposed revision. Commission Member Donaldson spoke in support of the proposed revision.

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

Voting against: Commission Members Donaldson and McCarthy

Disposition: **Motion No. 12 passed 6-2.**

Motion No. 13: **Motion to Delete and Reserve Section C-54 in accordance with Chair Bartels' Recommendation #28**

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Dave Donaldson

Discussion: None.

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

Voting against: None

Disposition: **Motion No. 13 passed 8-0.**

Motion No. 14: **Motion to Amend Section C-62(B) to Add the Word "Programs"**

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member Fawn Tantillo

Discussion: Commission Members disagreed with Chair Bartels' recommendation #30, which would have replaced the word "institutions" with "programs." Commission Members decided instead to keep the word "institutions" and add the word "programs."

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

Voting against: None

Disposition: **Motion No. 14 passed 8-0.**

Motion No. 15: **Motion to Delete and Reserve Article XLII as set forth in Chair Bartels' Recommendation #33**

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Shannon Harris

Discussion: None.

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

Voting against: None

Disposition: **Motion No. 15 passed 8-0.**

Motion No. 16: **Motion to Approve the Proposed Revision to Section C-101(B) as set forth in Chair Bartels' Recommendation #34, as Amended to Include the Words "But Not Limited"**

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Members decided to add the words "but not limited" so that the second sentence of the proposed revision would read: "Consideration shall be given but not limited to representation of gender, gender identity, racial, ethnic, socioeconomic, age, cultural, religious, geographic and disability diversity."

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

Voting against: None

Disposition: **Motion No. 16 passed 8-0.**

Motion No. 17: **Motion to Clarify that Charter References to "In Writing" Shall Require a "Wet Signature"**

Motion made by: Commission Member Shannon Harris

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Members discussed whether such clarification could be added to the definitions section in the Charter. Commission Members decided to use the term "wet signature" as opposed to "original signature" as proposed in Chair Bartels' recommendation #35.

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

Voting against: None

Disposition: **Motion No. 17 passed 8-0.**

Motion No. 18: Motion to Adjourn

Motion made by: Commission Member David Donaldson

Seconded by: Commission Member Mici Simonofsky

Discussion: None.

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

Voting against: None

Disposition: Motion No. 18 passed 8-0.

Meeting adjourned at 6:36 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

Statement Submitted by the County Executive's Office via Email 6/14/23:

The Ulster County Executive opposes the proposed charter revision to subject the Executive line of succession to Legislative approval. As the “legislative, appropriating, and policy-determining body of the County,” it would be inappropriate for the Legislature to have approval powers of the line of succession of the County Executive, who is an independently elected official and has executive authority over the administrative units of the County. We have reviewed the Charters of the surrounding Counties of Dutchess, Orange, and Westchester Counties, and none of them provide the Legislature with the authority to review or approve the Executive line of succession.

2023 Proposed Charter Revision

Enclosed please find a submission by the Ulster County Charter Revision Commission. The Commission respectfully requests the Board of Elections place the following question on the ballot at the General Election this year. The Resolution by the Commission as well as the proposed language changes to the Ulster County Charter are attached.

1. The Commission requests that the Proposal be titled as follows:

“Proposal _____ – Allowing for the Revision of the Ulster County Charter § C-29 Acting County Executive

2. The Commission requests that the Question appear as follows:

“Proposal Number _____, an Amendment -- Shall Section C-29 of the Ulster County Charter be amended to require the line of succession for Acting County Executive be confirmed by the Ulster County Legislature, and be amended to provide time for political parties to hold primaries to nominate a candidate for the general election ballot when there is a vacancy in the office of Ulster County Executive, as proposed by the Ulster County Charter Revision Commission?”

3. The Commission requests that the Abstract appear as follows:

The purpose of this Ballot Question is to allow the voters of Ulster County to determine whether the Ulster County Charter should be amended to require legislative approval for the list of succession for the office of County Executive. Every new County Executive entering a term must prepare and file the names of those persons who will become Acting County Executive in the event the office of the Executive becomes vacant. If this change is approved, the list must be approved by the Legislature before taking effect. The change will also require the Acting County Executive to be a qualified elector of Ulster County. Further changes to this section will eliminate the need for a special election and allow time for primary elections to choose candidates for placement on the general election to fill the position of the County Executive if vacated in the middle of a term. It is proposed after having been approved by the Ulster County Charter Revision Commission.

If a majority voting on this Question votes NO, the proposed Charter revisions will not be adopted.

If a majority votes YES, the proposed Charter revisions will be adopted.

TEXT OF SECTION C-5 allowing the Charter Revision Commission to place its proposed revisions to the Ulster County Charter directly before the voters for their approval.

§ C-5, B. (4) of the Ulster County Charter states *“The Commission, by two-thirds vote of its members, may place directly before the voters for their approval at referendum proposals to amend or revise Charter provisions pertaining to the County in Article [II](#) or [III](#) of this Charter. These amendments or revisions must be filed with the Ulster County Board of Elections timely so as to allow a vote upon them at the next scheduled general election after the Commission reports. No later than one month before the scheduled referendum at which its adoption will be considered, the Commission must hold at least one public hearing on any Charter change proposed directly to the ballot. Amendments or revisions proposed directly to the ballot by the Commission will be deemed adopted if approved by a majority of voters casting ballots on the question during the next scheduled general election. Notwithstanding other provisions of this Charter, if the Charter Commission proposes a matter for direct ballot consideration, the Commission will continue to function until the day after election day of the year of consideration of its proposal on the ballot.”*

RESOLUTION AUTHORIZING THE CHAIR OF THE ULSTER COUNTY CHARTER REVISION TO SEND THE LANGUAGE PROPOSED FOR SECTION C-29 TO THE ULSTER COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT IN THE 2023 GENERAL ELECTION

RESOLUTION of the Ulster County Charter Revision Commission July ___, 2023

WHEREAS, the Ulster County Charter Revision Commission was duly formed on September 15, 2022 in accordance with Section C-5 of the Ulster County Charter and consists of members appointed by the Ulster County Executive, Chairman of the Ulster County Legislature, and Minority Leader of the Ulster County Legislature; and

WHEREAS, the Commission was charged with examining and, if deemed necessary, drafting revisions to the Ulster County Charter; and

WHEREAS, the Commission has met extensively to examine all of the language in the Ulster County Charter; and

WHEREAS, the Commission has proposed revisions to Section C-29 of the Ulster County Charter to provide; and

WHEREAS, two public hearings were held after notice to the public was provided as required by local law; and

WHEREAS, the Commission has voted in the affirmative to recommend amendments, which are attached hereto and made a part hereof, to the Ulster County Charter; and

WHEREAS, the Commission desires to submit its revisions directly to the Ulster County Board of Elections for placement on the 2023 General Election ballot for consideration by the public as a county-wide referendum as provided in Section C-5 (B)(4) of the Ulster County Charter; now, therefore, be it

RESOLVED, this action constitutes a Type II action under section 4.2.1 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution 118 on April 20, 2010, and as such does not pose any significant adverse impact on the environment and no further determination under SEQRA is necessary; and be it further

RESOLVED, that the Commission hereby adopts the attached proposed revisions to Section C-29 of the Ulster County Charter; and, be it further

RESOLVED, that the Chair of the Ulster County Charter Revision Commission is hereby directed to transmit the attached proposed revisions to Section C-29 of the Ulster County Charter and ballot proposition to the Ulster County Board of Elections for placement on the 2023 General Election ballot for the purpose of conducting a county-wide referendum;

and moves its adoption.

§ C-29 Acting County Executive.
[Amended 8-14-2012 by L.L. No. 9-2012]

- A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive in the event that he or she resigns, dies or certifies in writing and files with the County Clerk a statement that he or she is unable to perform and/or exercise the powers and duties of the office of County Executive, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority.
- B. Only persons who are qualified electors in Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Executive. ~~Acting County Executive shall remain a qualified elector in Ulster County throughout the term of office.~~
- C. If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under § C-29A as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections **D, E and F** of 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-29A shall become the Acting County Executive.
- D. If the vacancy in the office of the County Executive occurs more than 180 on or prior to 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the next 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. ~~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 occurs after 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the general election held next thereafter. ~~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.

- F. At any time during the remainder of the term for which a County Executive 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 Executive may immediately resume service in that office so long as he or she has not been replaced at a special or general election.
- G. ~~Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for e~~Every new County Executive entering into a term ~~thereafter on the first day of such term, be authorized to~~shall file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature ~~consisting~~consisting of a list of one or more names to serve as Acting County Executive. Such list shall ~~be subject to confirmation by the Legislature. take precedence over the first persons initially designated 45 days after the filing of such list. Such list may be modified from time to time, but shall not take effect until the expiration of 45 days the entire duration of which the County Executive who filed such list shall have had to remain in office, or such list shall not otherwise take effect. During such forty five day period, the prior list shall remain in effect. Such list may be modified from time to time, subject to confirmation by the Legislature.~~ In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive.
- H. The Acting County Executive shall have all the powers and perform all the duties of the County ~~Executive, shall remain a qualified elector in Ulster County, shall hold no other elected public office or full-time employment and shall devote full time to the duties of the office.~~

A charter is the foundation of a local government and functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance, it provides stability and consistency to a local government. The process of drafting charter amendments is not an easy undertaking, it is a major task that has long-lasting impacts - not just for the local government, but also for its residents. The process requires the commitment, time, and talents of citizens and governmental staff.

As such, it is my pleasure to thank those who have donated their time and effort to serving on the Charter Revision Committee to undertake this tremendously important task.

I respectfully submit the following recommendations for charter change to the Charter Revision Committee.

Sincerely

Jen Metzger

Recommendation 1:

To be in alignment with best practices regarding language and inclusivity, we propose that all instances in which gender specific terms including but not limited to she, her, hers, he, his; be replaced with gender neutral terminology such as: they, them, their, theirs; as there is no guarantee of the gender of the individual holding or to hold position being referred to. Current language is exclusive of individuals who identify as non-binary or without gender.

Recommendation 2:

§ C-28. Advisory committees, commissions and boards.

Members of all committees, commissions and boards appointed pursuant to § C-25H of this Charter shall serve at the pleasure of the County Executive without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature; provided, however, that in the case of individuals appointed hereunder for definite terms, no removal shall be made until the person to be removed has been served with notice of the reasons for such removal and given an opportunity to be heard publicly if he or she desires thereon by the County Executive. The decision of the County Executive shall be final.

Individuals who serve on Ulster County Boards are serving functionally as representatives of Ulster County, and as such, must be in compliance with Ulster County's Standard Operating Procedures and Training Requirements. Every Board Member of an Ulster County Government board shall be mandated to complete an ethics training provided by the Ulster County Attorney's Office within 1 year of employment, and every year thereafter.

Recommendation 3:

§ C-33. Departmental, agency, office or unit estimates. [Amended 6-16-2020 by L.L. No. 3-2020]

The head of each department, agency, office or unit of County government shall submit to the County Executive, in writing, and through such channels and processes as specified by ~~her/him or him/her, an overall estimate~~ **a request** for that department, agency, office or unit and estimates by program within that department, agency, office or unit of **personnel, equipment and contractual appropriations for the operation of said department, agency, office or unit** ~~expected expenses~~ and expected **departmental** revenues for the next ensuing fiscal year. A copy of said ~~requests~~ **estimates** from each department, agency, office or unit shall be ~~simultaneously~~ submitted **by the first Friday in August** to the Clerk of the Legislature. These ~~requests~~ **estimates** shall be called "departmental **requests**". ~~estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department, agency, office or unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department, agency, office or unit.~~ A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and

revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental requests ~~estimates~~ shall be public records and shall at all reasonable times be open to public inspection and published with the County Executive's budget submission.

Recommendation 4:

§ C-41. Commissioner of Health or Public Health Director.

- A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. ~~In addition, he or she shall be a licensed physician with experience in public health. In addition, he or she is~~ they are required to at minimum have a master's degree in public health from a regionally accredited or New York State-registered college or university that demonstrates the core competencies of a public health education or a masters degree in a related field from a regionally accredited or New York State-registered college or university. ~~He or she~~ They shall be appointed by the County Executive in consultation with the Board of Health and with confirmation by the County Legislature and serve at ~~his or her~~ their pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~ they may only be removed for cause after written notice of charges and an opportunity to be heard.
- B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. ~~He or she~~ they shall perform such other and related duties required by the County Executive.

Recommendation 5:

§ C-45. Community Services Board.

There shall be a Community Services Board of 15 members who have demonstrated interest in behavioral health services, one member of whom must be a licensed physician and one of whom must be a licensed physician or licensed psychologist. There shall be separate subcommittees for mental health, developmental disabilities, and substance abuse. The number of members comprising each subcommittee shall be set pursuant to Section 41 of NYS Mental Hygiene Law and shall include at least three currently serving Community Service Board members. ~~There shall be disability subcommittees of nine members each, three members of whom must also be currently serving Community Service Board members, Members of both the~~

Community Service Board and the subcommittees ~~who~~ shall be appointed by the County Executive after consideration of the recommendations of the Community Services Board for terms of four years, subject to confirmation by the Legislature. No Board member or subcommittee member shall serve more than eight years. The Chairman of the Community Services Board shall be selected by the members of the Board for a term of one year.

- A. The Board shall advise the Commissioner of Mental Health, the County Executive and the Legislature on matters relating to the Department of Mental Health. The members of the Board shall further have the power to inspect and review all facilities and programs of the Department of Mental Health, with or without notice to the Commissioner of Mental Health and may report and make recommendations to the County Executive, County Legislature and Commissioner of Mental Health. All such reports shall be deemed public records, posted on the website of the County government, and be available for inspection at the office of the Department of Mental Health and the County Executive at all reasonable times. The Board shall also advise and consult with respect to all capital projects necessary for the Department of Mental Health. The Board shall have and exercise such other and related duties required by the Legislature or the County Executive.
- B. If a vacancy shall occur other than by expiration of a term, it shall be filled by the County Executive for the balance of the term in the same manner as the original appointment.
- C. Members of the Community Services Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

Recommendation 6:

§ C-46. Appointment of Director of Planning.

There shall be a Department of Planning, headed by a Director of Planning **who possesses at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law.** The County Executive shall appoint the Director of Planning, ~~from among three nominees given him or her by the Ulster County Planning Board,~~ subject to confirmation by the Legislature. ~~The Planning Board may nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. In the event that the County Planning Board fails to bring forward to the County Executive three recommendations for the position within 90 days of the occurrence of a vacancy, the County Executive shall make the appointment on his or her own initiative, subject to confirmation by the Legislature.~~ The Director of Planning shall serve at the pleasure of the County Executive.

§ C-47. Powers and duties of Planning Board and Director.

Except as may otherwise be provided in this Charter, the County Director of Planning and Planning Board shall have all the powers and perform all the duties conferred and/or imposed in the Charter, state law or the County Administrative Code upon a county director of planning or a county planning board. The Director of Planning and/ or the County Planning Board shall perform such other and related duties as required by the County Executive, ~~or County Legislature.~~ These powers shall include, but not be limited to:

- A. Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;
- B. Preparing and maintaining a comprehensive plan and annual planning program for the County as set forth in
- C. § C-52 of this article and attendant provisions of the Administrative Code;
- D. Assisting in the preparation of a capital improvement program as may be set forth in this Charter and attendant provisions of the Administrative Code;
- E. Exercising the powers of review and approval over land use pursuant to § C-51 of this article and attendant provisions of the Administrative Code;
- F. Making available, within constraints of available resources, the professional staff of the Department of Planning for advice regarding planning to the City of Kingston and the towns and villages within the County;
- G. Maintaining basic data on the County's population, land use, housing, environmental status, human and natural resources and other such matters and performing studies, analysis, plans and recommendations as may be necessary in the exercise of the powers and performance of the duties set forth in this article; and
- H. Acting as host board with regard to the Ulster County Transportation Council.

Recommendation 7:

§ C-74. Director of Purchasing.

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

Recommendation 8:

ARTICLE XXX ~~Commission of Human Rights~~Human Rights

§ C-100. ~~Commissioner~~Department of Human Rights.

A. There shall be a ~~Commission-Department~~ of Human Rights headed by a ~~Commissioner~~ Director of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at ~~his or her~~their pleasure.

B. Powers and Duties. The Director of Human Rights shall have managerial responsibility for the Department and administrative responsibility for the Commission of Human Rights. In consultation with the Commission, the Director shall recommend policies and programs to address discrimination in employment, housing, public accommodation, education, and credit; expand public education and awareness of human rights; and foster harmony between the diverse communities within Ulster County.

§ C-101. The Commission of Human Rights Membership; duties; appointments; terms of office.

A. ~~The-There shall be a~~ Commission of Human Rights that 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. Membership; duties; appointments; terms of office. 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, the Commission Chairperson, shall be the incumbent Human Rights Director. Appointments shall be ~~representative~~representative of the geographic and demographic diversity of Ulster County, taking into account faith-various religious, racial, ethnicitye and nationality, groups in Ulster County's communitiesgender identity, sexual preference, class, ability, marital/familial status, age, and criminal history. 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 of Commission. [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 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.

Recommendation 9:

§ C-111. Membership; terms of office; limits of service; compensation. [Amended 10-21-2014 by L.L. No. 5-2014]

There shall be an Ulster County Environmental Management Council comprised of one member from each city, town and village environmental council and commission within the County, nominated by the governing body of that city, town or village and appointed by the County Executive with the confirmation of the Legislature for a term of three years, and up to an equal number of at-large appointees appointed by the County Executive with the confirmation of the Legislature for a term of three years, and the County Director of Planning and County Director of Environment, serving ex officio. The presiding officer of the Environmental Management Council shall be chosen annually by its members from among their members but shall not be an employee of the County of Ulster. Members of the Ulster County Environmental Management Council 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.

Recommendation 10:

§ C-122. Deputy Director.

The ~~Deputy~~ Director of the Youth Bureau shall ~~be appointed by the Director~~ have the power to appoint a Deputy Director of the Youth Bureau, in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of ~~his or her~~ their education and experience. ~~He or she~~ They shall possess the powers and

perform the duties of the Director of the Youth Bureau during the absence or inability of such Director to act or in the case of a vacancy in the office of the Director, until a successor is selected and has qualified.

Recommendation 11:

Creation of a Department of Environment in the Charter to align with Ulster County Administration Code:

ARTICLE #

ENVIRONMENT, DEPARTMENT OF THE

§ C-## Director Department of the Environment

- A. There shall be a Department of the Environment, the head of which shall be the Director of the Department of the Environment who shall be appointed on the basis of their experience and qualifications as specifically set forth in the civil service class specifications for that position. The Director of the Department of the Environment shall be appointed by the County Executive subject to confirmation of the County Legislature, and such appointee shall serve at the pleasure of the County Executive. The Director of the Department of the Environment shall execute environmental policy for the County and shall be responsible for the development of environmental policy subject to approval by the County Executive.
- B. Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of the Environment shall:
 - 1) Have the authority to appoint and remove all officers and employees of the Department of the Environment, except as such power and authority are specifically limited by local law or New York State statute.
 - 2) Coordinate environmental policy and resource planning for all interrelated County departments and the Ulster County Environmental Management Council.
 - 3) Supervise the efforts of the Department of the Environment employees and coordinate with the efforts of other interrelated County departmental staff on all environmental projects.
 - 4) Review the progress of environmental projects through oversight of the duties of technical staff assigned and make recommendations to ensure the project is on time and the goals of the Environmental Management Council are being met.
 - 5) Provide administrative and technical assistance to the Environmental Management Council.
 - 6) Review ongoing County projects and/or activities with environmental implications and assure that the requirements and guidelines of the project are followed in context with established policies and procedures.

- 7) Act as administrative liaison with personnel in other County departments as well as with federal, state, regional and private environmental planning agencies, consultants and other interested parties involved with environmental issues.
- 8) Formulate and prepare the annual departmental budget.
- 9) Prepare plans, reports, informational material and administrative documents designed to support or implement environmental objectives of Ulster County and the Environmental Management Council to meet both state and federal requirements.
- 10) Coordinate the efforts of County departments and municipalities to utilize geographic information system (GIS) equipment and software as well as global positioning equipment to compile, collect, organize and analyze geographic information relative to the focus and planning objectives of Ulster County and the Environmental Management Council.
- 11) Prepare and present oral, written and multi-media reports to the County Legislature, municipal officials, the media and the public.
- 12) Have all the powers and perform all the duties now or hereafter conferred or imposed by local law or resolution of the Ulster County Legislature.

§ C-## Deputy Directors

- A. The Director of the Department of the Environment shall have the power to appoint one or more Deputy Directors of the Department of the Environment within the limits of appropriations. Every appointment shall be in writing and filed in the office of the County Clerk and the Clerk of the Ulster County Legislature.
- B. The term of office of any deputy appointed hereunder shall coincide with that of the Director of the Department of the Environment, provided that such appointment may be revoked at any time by the Director of the Department of the Environment by written revocation filed with the County Clerk. All positions of Deputy Director shall be in the exempt class of civil service.
- C. Deputy Directors of the Department of the Environment shall perform such duties pertaining to the office of the Department of the Environment as the Director of the Department of the Environment may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign and direct.
- D. If there is but one deputy, they shall possess the powers and perform the duties of the Director of the Department of the Environment during the absence or inability of the Director of the Department of the Environment to act. If there is more than one deputy, the Director of the Department of the Environment shall designate in writing and file in the office of the County Clerk and the Clerk of the Legislature the order in which they are to serve during their absence or inability to act.
- E. In the event of a vacancy in the office of the Director of the Department of the Environment, such deputy, or the deputy so designated, shall possess the power to perform the duties of his or her principal until the disability is removed or, in the case of a vacancy, until a successor

is appointed and has qualified. If no designation shall have been made and filed, the senior deputy shall act.

Recommendation 12:

Creation of a Department of Weights and Measures in the Charter to align with Ulster County Administration Code:

ARTICLE #

WEIGHTS AND MEASURES, DEPARTMENT OF THE

§ C-## Director Department of Weights and Measures

- A. There shall be a Department of Weights and Measures, headed by the Director of Weights and Measures, who shall have all the powers and perform all the duties now or hereafter conferred or imposed on this office by law, so long as they meet all of the qualifications and is duly certified to act in that capacity. They shall be appointed by the County Executive with confirmation by the County Legislature and serve at their pleasure.
- B. Powers and duties. The Director of Weights and Measures shall have and exercise all the powers and duties now conferred or imposed upon a county sealer by applicable law and perform such other and related duties as shall be required of them pursuant to law or delegated to them by the County Executive.

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
102	Phil Erner	Adopt preamble to the Charter	5/1/2023			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	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
103	Legislature	"Amendment or revision by Commission. Within five years after the enactment of this Charter, No later than April 15, 2032 and at least every 10 years thereafter, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to this County Charter. Nothing shall preclude the convening of a Charter Revision Commission at any time should the County Executive and County Legislature agree on the need to convene the Commission."	5/1/2023			5
104	Legislature	Require two duly noticed public hearings instead of one public hearing on any Charter change proposed directly to the ballot	5/1/2023	Accepted 5/24/2023		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
81	Hector Rodriguez	Add definition of "read-only access"	4/10/2023	Accepted 4/10/2023		6
105	Legislature	Remove definition of "clerk"	5/1/2023	Accepted 5/24/2023		6
106	Legislature	Define "departmental estimates" to read "Also referred to as Departmental, Agency, Office or Unit Estimates. Any and all documentation setting forth preliminary and/or final budget estimates for a given department agency, office or unit within Ulster County Government, together with any and all supporting documentation relied upon during the creation of said estimate(s), including reports, memorandums, graphs and/or charts. Departmental Estimates include estimates of expenses and revenues but are not required to include both.	5/1/2023			6
64	Town Supervisors	Convert County Legislature to a Board of Overseers format of government	3/9/2023	Revision Declined 4/17/2023		7
98	Phil Erner	All legislators term out after decennial redistricting	5/1/2023			8
53	Legislature	No county legislator shall hold other elective public office, <u>exempting membership on School Board</u>	3/1/2023	Revision Declined 4/17/2023		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	Accepted 4/17/2023		10
62	Fawn Tantillo	County Executive ensures qualifications for reapportionment appointees	2/10/2023	Accepted 4/17/2023		10
63	Fawn Tantillo	Provide mechanism for reconvening reapportionment committee	2/10/2023	Accepted 4/17/2023		10
107	Legislature	Correct typo to read "fully appointed for the purposes of receiving its charge"	5/1/2023	Accepted 5/24/2023		10
108	Legislature	"The Commission shall be guided by the criteria set forth in C-10A of the County Charter and state law. "	5/1/2023			10
109	Legislature	Require Commission to hold a minimum of three geographically diverse and duly noticed public hearings, instead of "one or more", one of which to be held in the County seat	5/1/2023	Accepted 5/24/2023		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	Revision Declined		11
36	Thomas Kadgen	Add provision to allow Legislature to act on any mandate that fails to be met or <i>impasse</i>	11/18/2022	Revision Declined		11
50	Legislature	Contract approval stays at \$50k	3/1/2023	Reconsidered		11
55	Legislature	Prohibit renaming of positions without legislative oversight and approval	3/1/2023			11

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

67	Thomas Kadgen	Appoint an oversight committee for capital projects over 1 million dollars	3/23/2023	Revision Declined 4/6/2023	11
151	Charter Revision Commi	Amend C-11(K) to allow subpoena of "documents (including digital records and read only access to software licensed by or owned by the County or its component units."	6/8/2023	Revision Accepted 6/8/2023	11
87	Phil Erner	Appointments to include representation from all geographic areas of County on Legislative or Executive Boards & Commissions.	5/1/2023		16
110	Legislature	"There shall be Counsel to the Legislature" instead of "There shall be a Counsel to the Legislature"	5/1/2023	Revision Accepted 5/24/2023	20
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
93	Phil Erner	Specify that "Clerk" is the "Clerk of the Legislature"	5/1/2023		25
111	Legislature	C-25(H) Change "executive policies" to "executive procedures"	5/1/2023		25
112	Legislature	C-25(P); Strike provision	5/1/2023	Revision Declined 6/1/2023	25
56	Legislature	Require notification when vacancy is created by departure of a department head	3/1/2023	Accepted 5/24/2023	26
86	Phil Erner	Outside work prohibited for all Department Heads.	5/1/2023		26
92	Phil Erner	Disallow an individual serving as head of two or more departments or administrative units of government	5/1/2023		26
88	Phil Erner	Appointments to include representation from all geographic areas of County on Legislative or Executive Boards & Commissions.	5/1/2023		28
129	County Executive	Include language: "Individuals who serve on Ulster County Boards are serving functionally as representatives of Ulster County, and as such, must be in compliance with Ulster County's Standard Operating Procedures and Training Requirements. Every Board Member of an Ulster County Government board shall be mandated to complete an ethics training provided by the Ulster County Attorney's Office within 1 year of employment, and every year thereafter."	5/1/2023		28
31	Brian Woltman	Adopt succession plan for County Executive including election of a C.E. and Prime Deputy ticket	11/10/2022	Revision Declined 5/24/2023	29
61	Board of Elections	Change method for replacing County Executive upon vacancy.	2/22/2023	Revision Accepted 5/24/2023	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	Revision Declined 4/11/2023	29
113	Legislature	C-29(G): Replace language to clean up provision	5/1/2023	Revision Declined 6/1/2023	29
148	Charter Revision Commi	Amend C-29(B) to read "only a person who is a qualified elector of Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Executive and shall remain a qualified elector throughout the term of office"	6/8/2023	Revision Accepted 6/8/2023	29
149	Charter Revision Commi	Amend C-29(H) to add "the Acting County Executive shall hold no other elected public office or full-time employment and shall devote full time to the duties of the office."	6/8/2023	Revision Accepted 6/8/2023	29

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

150	Charter Revision Commi	Amend C-29(G) to read "Every new County Executive entering into a terms shall file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the Legislature consisting of one or more names to serve as Acting County Executive. Such list shall be subject to confirmation by the Legislature. Such list may be modified from time to time subject to confirmation by the Legislature. In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive."	6/8/2023	Revision Accepted	6/8/2023	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	Revision Accepted	4/17/2023	33
130	County Executive	The head of each department, agency, office or unit of County government shall submit to the County Executive, in writing, and through such channels and processes as specified by her/him or him/her , an overall estimate , <u>a request</u> for that department, agency, office or unit and estimates by program within that department, agency, office or unit of <u>personnel, equipment and contractual appropriations for the operation of said department, agency, office or unit</u> expected expenses and expected <u>departmental</u> revenues for the next ensuing fiscal year. A copy of said <u>requests</u> estimates from each department, agency, office or unit shall be simultaneously submitted <u>by the first Friday in August</u> to the Clerk of the Legislature. These <u>requests</u> estimates shall be called "departmental <u>requests</u> ". estimates <u>and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department, agency, office or unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department, agency, office or unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental <u>requests</u> estimates shall be public records and shall at all reasonable times be open to public inspection <u>and published with the County Executive's budget submission.</u></u>	5/1/2023			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

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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
114 Legislature	Charter calls for a six-year capital program, but Ulster County's program has consistently been five years	5/1/2023	34
115 Legislature	C-34(B) Require submission of a statement of actual expenses and actual revenues for three preceding completed fiscal years, rather than one	5/1/2023	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 Revision Accepted 6/1/2023	37
13 March Gallagher	Establish a deadline of December 31 for public posting of the budget	10/4/2022 Revision Accepted	38
60 Legislature	Disallow transfer of budget to allow for increase of rate of pay or annual salary of county employment position	3/1/2023 Revision Accepted 6/1/2023	40
117 Legislature	Strike requirement that Commissioner of Health be a licensed physician with experience in public health	5/1/2023 Revision Accepted 6/1/2023	41
131 County Executive	Remove requirement to be medical doctor, add requirement to have at least a master's degree in public health	5/1/2023 Revision Declined 6/1/2023	41
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
132 County Executive	There shall be separate subcommittees for mental health, developmental disabilities, and substance abuse. The number of members comprising each subcommittee shall be set pursuant to Section 41 of NYS Mental Hygiene Law and shall include at least three currently serving Community Service Board members. There shall be disability subcommittees of nine members each, three members of whom must also be currently serving Community Service Board members.	5/1/2023	45
118 Legislature	Strike requirement that County Executive choose Planning Director from three-nominees provided by the County Planning Board, require Director of Planning to be appointed on the basis of professional training and experience and other qualifications. Allow for "at least" three recommendations by Planning Board	5/1/2023 Revision Accepted as modified 6/1/2023	46
133 County Executive	There shall be a Department of Planning, headed by a Director of Planning <u>who possesses at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law.</u> The County Executive shall appoint the Director of Planning, from among three nominees given him or her by the Ulster County Planning Board, subject to confirmation by the Legislature. The Planning Board may nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. In the event that the County Planning Board fails to bring forward to the County Executive three recommendations for the position within 90 days of the occurrence of a vacancy, the County Executive shall make the appointment on his or her own initiative, subject to confirmation by the Legislature. The Director of Planning and/ or the County Planning Board shall perform such other and related duties as required by the County Executive. of County Legislature.	5/1/2023	47
134 County Executive		5/1/2023	47
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
119 Legislature	C-50(B): Strike "prepared by the Department of Planning"	5/1/2023 Revision Accepted 6/8/2023	50
120 Legislature	Require submission of recommendations to County Legislature in addition to County Executive	5/1/2023 Revision Accepted 6/8/2023	50

WRITTEN SUBMISSIONS TO USTER 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. 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 Uister 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
121 Legislature	Commissioner of Finance "shall devote full working time to the duties of the office"	5/1/2023	Accepted 6/8/2023	53
121 Legislature	<i>Director of Real Property Tax Service should be subject to confirmation by the Legislature</i>	5/1/2023	Rejected 5/8/2023	53
121 Legislature	Strike provision and reserve section	5/1/2023	Accepted 6/8/2023	54
19 March Gallagher	The Comptroller shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.	10/4/2022	Accepted 4/10/2023	56
20 March Gallagher	The Comptroller shall use risk assessment to identify weaknesses in internal controls and shall summarize improvements in internal controls in an annual audit report to the Legislature and Executive by April 1 of each year.	10/4/2022	Revision Accepted	57
21 March Gallagher	Remove bank reconciliations from Comptroller's responsibilities	10/4/2022	Revision Accepted 1/12/2023 Meeting	57
22 March Gallagher	Provide Comptroller authority to audit revenues	10/4/2022	Revision Accepted	57
23 March Gallagher	Provide explicit authority to audit public benefit corporations or component units of County government	10/4/2022	Revision Accepted 4/10/2023	57
24 March Gallagher	Grant authority to subpoena documents including digital records and access to software licensed or owned by the County	10/4/2022	Revision Accepted 4/10/2023	57
72 March Gallagher	Include language: The Comptroller shall have read-only access to all software systems of the County except where precluded by law.	4/5/2023	Accepted 4/10/2023	57
73 March Gallagher	C-57(B) include language: "and investments"; provided read-only access to all County accounts	4/5/2023	Accepted 4/10/2023	57
74 March Gallagher	<i>C-57(D) include language: "contract related payments"</i>	4/5/2023	Withdrawn 4/10/2023	57
75 March Gallagher	C-57(E) include language: "and journal entries"	4/5/2023	Accepted 4/10/2023	57
76 March Gallagher	C-57(J) change "required" to "requested"	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
122 Legislature	<i>Remove Comptroller authority to "appoint citizens' committees, commissions and boards"</i>	5/1/2023	Rejected 5/8/2023	57
25 March Gallagher	Remove Charter sections regarding filling 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
123 Legislature	C-62(B) Amend to read "social services programs" rather than "social service institutions"	5/1/2023	Accepted 6/8/2023	62
124 Legislature	<i>C-63(4) Amend to read "tangible property" instead of "personal property"</i>	5/1/2023	Withdrawn	63

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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
135 County Executive	C-74(B)(4): Perform such other and related duties as shall be required and delegated by the County Executive. of County Legislature.	5/1/2023		74
125 Legislature	Remove "shall devote full working time to the duties of the office" from provision	5/1/2023		77
1 Patrick Long	Remove reference to Consumer Fraud Bureau	9/16/2022	Revision Accepted	93
94 Phil Erner	Change "Consumer Fraud Bureau" to "Consumer Protection Bureau"	5/1/2023		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
89 Phil Erner	Retitle Commissioner of Human Rights as Director of Human Rights	5/1/2023		100
136 County Executive	Rename section "Department of Human Rights"	5/1/2023		100
137 County Executive	Edit C-100(A): "There shall be a Commissioner <u>Department</u> of Human Rights headed by a Commissioner <u>Director</u> of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at his or her <u>their</u> pleasure."	5/1/2023		100
138 County Executive	Add C-100(B): "Powers and Duties. The Director of Human Rights shall have managerial responsibility for the Department and administrative responsibility for the Commission of Human Rights. In consultation with the Commission, the Director shall recommend policies and programs to address discrimination in employment, housing, public accommodation, education, and credit; expand public education and awareness of human rights; and foster harmony between the diverse communities within Ulster County."	5/1/2023		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
126 Legislature	Require member diversification by amending to read: "Appointments shall be representative of the diversity in Ulster County's communities. Consideration shall be given but not limited to representation of gender, gender identity, racial, ethnic, socioeconomic, age, cultural, religious, geographic and disability diversity."	5/1/2023	Revision Accepted 6/8/2023	101
139 County Executive	Rename section "The Commission of Human Rights"	5/1/2023		101
140 County Executive	Edit C-101(A): " <u>There shall be a</u> Commission of Human Rights <u>that</u> 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."	5/1/2023		101
141 County Executive	Edit C-101(B): "Membershp; duties; appointments; terms of office. 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, <u>and five members by the County Executive, one of which, the Commission Chairperson, shall be the incumbent Human Rights Director.</u> Appointments shall be representative representative of the geographic and demographic diversity of Ulster County, taking into account faith various religious , racial, ethnicity ie and nationality. groups in Ulster County's communities gender identity, sexual preference, class, ability, marital/familial status, age, and criminal history."	5/1/2023		101
142 County Executive	Rename section "Authority of Commission."	5/1/2023		102
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 for four years from separation	11/22/2022	Revision Accepted 4/17/2023	108

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

82 Phil Erner	Abolish the Periodic Compensation Review Committee & determine salaries of elected officers as follows: sliding-scale compensation, providing a minimum living wage to the wealthiest and a maximum of the median area income for the poorest, all adjusted for family size. For legislators, assume a 30-hour workweek. For County-wide electeds assume a 60-hour workweek.	5/1/2023	108
83 Phil Erner	Abolish the Periodic Compensation Review Committee and set all county-wide elected salaries as equaling the Area Mean Income (AMI) adjusted for family size; and for Legislators, assume a 30-hour workweek to earn 75 percent of adjusted AMI adjusted for family size.	5/1/2023	108
27 March Gallagher	Require periodic compensation review commission's findings to be incorporated into County Executive's proposed budget unless previously adopted by local law	10/4/2022	110
37 Thomas Kadgen	Mandate salary recommendations of periodic compensation board be placed before Legislature in separate salary categories for a vote	11/18/2022	110
143 County Executive	Add County Director of Environment as ex officio member of EMC	5/1/2023	111
144 County Executive	The Deputy Director of the Youth Bureau shall be appointed by the Director have the power to appoint a Deputy Director of the Youth Bureau. in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of his or her their education and experience.	5/1/2023	122
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 Withdrawn	
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	
84 Phil Erner	Require popular referendum to increase legislator salary	5/1/2023	
85 Phil Erner	All public meetings hybrid, in order to broaden public access to government. Live broadcast via television, World Wide Web or equivalent, and make & publish video & audio recordings, of all public meetings of Ulster County, including Boards & Commissions, for accessibility & transparency.	5/1/2023	
90 Phil Erner	Expand powers and duties of Department of the Environment beyond internal county matters	5/1/2023	
91 Phil Erner	Establish a County Environmental Advocate	5/1/2023	
95 Phil Erner	Create public election fund	5/1/2023	
96 Phil Erner	Limit campaign spending based on maximum public match	5/1/2023	
97 Phil Erner	Any county elected officer seeking a different elective office must resign to run	5/1/2023	
99 Phil Erner	Create Obsolete Laws Commission	5/1/2023	
100 Phil Erner	Use gender-friendly language throughout Charter	5/1/2023	
101 Phil Erner	Create Civic Imagination Office	5/1/2023	

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116 Legislature	Add language that "department head shall perform such other and related duties as required by the County Executive and County Legislature" to C-41, C-44, C-61, C-69, C-75(B) (striking "as appropriated by the"), C-90, C-96, C-113	5/1/2023
127 Legislature	Clarify that "in writing" shall mean "wet signature"	5/1/2023 Revision Accepted 6/8/2023
128 County Executive	Revise Charter to include gender-neutral terms	5/1/2023
145 County Executive	Create Department of the Environment	5/1/2023
146 County Executive	Create Department of Weights and Measures	5/1/2023
147 County Executive	Rename Article XXX from "Commission of Human Rights" to "Human Rights"	5/1/2023