

Agenda



Charter Revision Commission

Date/Time: 5/24/2023 at 5:00 PM Location(s): 244 Fair St., 6th Fl., Kingston, NY
Zoom Mtg ID: 840 4292 4344

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 May 11, 2023 meeting minutes [p. 2-5]
3. Public Comment (if any)
4. Continue Discussion of Chair Bartels' Recommendations
 - a. Chair Bartels' Recommendations [p. 6-15]
 - b. County Executive's Response [p. 16]
5. Continue Discussion of County Executive's Recommendations [p. 17-26]
6. Continue Discussion of Board of Elections Proposed Revision to C-29 [p. 27-28]
7. Adjournment

Other Information:

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: May 11, 2023 at 5:00 PM

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

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

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

*** via videoconference with a physical address of Hilton Elara (main lobby), 80
East Harmon Avenue, Las Vegas, Nevada 89109*

Absent Shannon Harris
Brian Wolfman

Quorum: Yes

Other Attendees: Tracey Bartels, Chair, Ulster County Legislature
Victoria Fabella, Clerk, Ulster County Legislature
Phil Erner, Ulster County Legislator
Christopher Kelly, Deputy County Executive
Johanna Contreras, Deputy County Executive
March Gallagher, Comptroller
Charles Dinstuhl, Director of Internal Audit
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 5:04 PM.

Motion No. 1: Motion to Approve the May 4, 2023 Meeting Minutes as Amended

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Member Tantillo asked that the minutes be amended to delete the following sentence on page 2: "Commission Member Tantillo noted that the requirement for redistricting is 2." Commission Members agreed with the deletion.

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

Voting against: None

Disposition: Motion No. 1 passed 8-0.

Public Comment: None.

Chair Mihm recognized Legislator Phil Erner, who presented his proposed Charter revisions, as set forth in his email submission dated May 1, 2023, to the Commission.

Chair Mihm recognized Tracey Bartels, Chair, Ulster County Legislature, who presented her updated recommendations. Commission Member Rodriguez raised a concern that C-5(B) still did not address what happens if a County Executive fails to timely convene a Charter Revision Commission and suggested language that the Commission "shall convene." Chair Bartels suggested allowing the County Executive a period of time to convene, and then if there is a failure to convene, then the Commission can convene. Chair Mihm raised the issue that somebody needs to convene. Chair Bartels suggested having a neutral party like the County Clerk convene the Commission. Commission Member Simonofsky suggested convening by a date certain. Chair Mihm agreed with a date certain and expressed that she did not feel it necessary to take the act of convening away from the County Executive. Commission Member Tantillo noted that the problem in the past was that there was no deadline. Commission Member Simonofsky suggested language to clarify that the Commission shall be "both" appointed and convened by a date certain. Commission Member Rodriguez agreed with the addition of the word "both."

Commissioner Member David Donaldson joined the meeting at 5:38 PM.

Commission Members Tantillo, McCarthy, and Donaldson expressed support of Chair Bartels' proposed revision to C-11(H) relating to not changing or modifying position titles unless required by Civil Service Law or a resolution adopted by the County Legislature. Chair Mihm recognized Christopher Kelly, Deputy County Executive, who questioned whether the proposed revision would expand the Legislature's authority beyond management-level employees into Civil Service employees. Chair Bartels disagreed and noted that the proposed language excepts changes/modifications required pursuant to NYS Civil Service Law. Commission Member Donaldson noted that the Legislature still approves Civil Service contracts. Deputy CE Kelly disagreed and expressed concern that the proposed language could affect the County Executive's ability to reclassify titles pursuant to Civil Service Law. Chair Bartels disagreed with Deputy CE Kelly's reading of the Legislature's powers/duties. A legal opinion was requested as to whether the proposed language, as written, would affect the County Executive's ability to reclassify and

do desk audits for rank-and-file workers. Deputy CE Kelly noted that he does not disagree with the intent of the proposal, but believes the language is too broad.

As to Chair Bartels' proposed change to C-34(A) relating to moving the budget deadline up by a month, Commission Member Donaldson asked for the County Executive's position. Deputy CE Kelly noted that the County Executive is opposed to the proposal. Commission Member Donaldson spoke in opposition to Chair Bartels' proposed change to C-34(A). \

As to the proposed change to C-37, Chair Bartels noted that she wanted to add the word "standing" before "Legislative committee." Commission Member Rodriguez expressed opposition to the proposal and expressed his position that the whole Legislature should go to the public hearings on the budget.

Commission Member Frank Cardinale left the meeting at 6:00 PM.

Commission Members discussed the competing positions put forth by Chair Bartels and the County Executive relating to Sections C-47 (Director of Planning) and C-74 (Director of Purchasing). Chair Bartels spoke in opposition to deleting the County Legislature's co-authority to direct the Directors of Planning and Purchasing. Deputy CE Kelly spoke in support of the deletions and noted his concern with dual-reporting structures and the Legislature directing operations and imposing time constraints. Commission Member Rodriguez noted that the language at issue was in the original Charter. Commission Member Tantillo asked for an example where the Legislature asked the County Executive to do something that interfered. Deputy CE Kelly responded: any resolution that sets a timeline on the County Executive performing an operations action, like RFPs, which take away resources that have already been planned in the annual budgeting process. Commission Member Tantillo noted that the County Executive could veto such a resolution.

Chair Mihm recognized March Gallagher, Comptroller, who spoke in opposition to Chair Bartels' proposal to delete the following language from C-57(H) relating to the Comptroller's powers: "appoint citizens' committees, commissions and boards." Commission Member Donaldson noted that it would be hard to say the Comptroller could not have a commission and that to deny the Comptroller's ability to have a citizens' committee would be contrary to democracy. Commission Member Rodriguez noted that the Comptroller could form a commission even if the language was not in the Charter. Commission Member McCarthy spoke in opposition to the proposed revision to C-57(H) and spoke in favor of giving departments tools they need to do their jobs efficiently. Commission Member Tantillo raised a question about the legal distinction between committees, commissions and boards. Commission Members discussed the distinctions. Commission Member Simonofsky spoke in opposition to the proposed change to C-57(H). A legal opinion was requested relating to the differences between boards, commissions and citizens' committees.

Chair Mihm recognized Deputy CE Kelly who spoke about the County Executive's position on the proposed revisions to the budget process. Commission Member Rodriguez noted that the federal and state budget are generally in place by July. Deputy CE Kelly noted in order for the County Executive to give the Executive budget to the Legislature, they need the time to do so. Deputy CE Kelly noted that Ulster County's budget is already due a month earlier than surrounding counties. Deputy CE Kelly noted that they are proposing that in the first Friday of

August, the departmental budget estimates will be transmitted to the CE and Legislature, but the estimates will not include revenues or benefits. Deputy CE Kelly explained that 60 days before the budget is due, the Legislature would get a preview of the budget. Deputy CE Kelly proposed that the budget hearing schedule should remain the same. Commission Member Rodriguez noted that it is still a hard timeline for the Legislature. Commission Member Donaldson noted that the Legislative body could find other ways to pick apart the budget.

Commission Members discussed scheduling an extra meeting and decided on Wednesday, May 24, 2023 at 5:00 PM.

Motion No. 2: Motion to Adjourn

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None.

Disposition: Motion No. 2 passed 8-0.

Meeting adjourned at 6:56 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

Charter/ Admin Code Review Recommendations – Legislature Submitted by Chair Bartels

1. The Legislature respectfully urges the Commission to review the Administrative Code in conjunction with the Charter, as the Administrative Code further clarifies certain sections of the Charter and changing the Charter without consideration of the Code may result in confusion and/or inadvertent modifications to the intent of affected Charter sections.
2. **Section C-5(B)**: As set forth by the Chair at a prior Commission meeting, the Chair urges that the time frame set forth in Charter Section C-5(B) be left unchanged, requiring the Charter Revision Commission to convene every ten (10) years.
3. **Section C-5(B)**: Section C-5(B) sets forth in part, as follows:

“Amendment or revision by Commission. Within five years after the enactment of this Charter, 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.”

It is proposed that said language be amended as follows:

“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 **in even-numbered years**, a Charter Revision Commission shall be appointed **and convened** 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.**”

4. It is proposed that **C-5(B)** be amended as follows:

“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~~ **two duly noticed** public hearings 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.”

5. It is proposed to amend **C-6 Definitions** –
 - 1) Strike the definition for CLERK as Clerk of the Legislature and County Clerk are understood within each applicable Charter section and this definition adds confusion.
 - 2) Add a definition of 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.”
6. **Section C-9(B)** – No County Legislator shall hold at the same time any other elective public office. It is respectfully suggested that membership on a School Board be exempt from the prohibition set forth in Section C-9(B).
7. Correct typo in **C-10E** – “The first meeting of the Commission shall be convened by the County Executive no later than 15 days after it is fully appointed/ for the purposes of receiving its charge and determining how a Chairperson will be selected.

8. **Section C-10F** - Commission on Reapportionment – It is requested to add the words “and state law” to the end of C-10F(1) ... “The Commission shall be guided by the criteria set forth in § C-10A of the County Charter and state law.” It is requested to amend C-10F(3) as follows:

“The Commission shall hold ~~one or more~~ a minimum of three geographically diverse and duly noticed public hearings on or prior to May 20 of each year ending in “2” and shall make its draft plan available to the public for inspection and comment not less than 10 days before such public hearing.”

It is requested that a new section be added, F (7), setting forth as follows:

“Notwithstanding any other provision of this Section, the Commission may reconvene after the date on which the proposed redistricting plan is submitted to the Board of Elections, to correct errors or omissions, or to undertake any further action as required by law.” (The Chair has requested language from the County Attorney regarding this proposed amendment.)

9. **Section C- 11 (H)**: should be amended to prohibit the renaming of positions in Ulster County Government without Legislative oversight and approval, as follows:

“To fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range. **Position title(s) for all budgeted county employment positions in Ulster County Government shall not be changed or otherwise modified from the position titles set forth in the adopted Ulster County Budget, unless such changes or modifications are required pursuant to New York State Civil Service Law, or Resolution adopted by the Ulster County Legislature.**”

The Legislature performs its duty of fixing compensation and establishing a salary ranges pursuant to those titles listed in the budget and the changing of titles outside of this process is an infringement on Legislative authority.

10. **Section C-11(O)**: The Legislature respectfully urges the Commission to keep the contract approval threshold at 50K.

11. It is requested to amend **C-20(A)** to strike the word “a” as follows:

“There shall be ~~a~~ Counsel to the Legislature...”

12. It is requested to amend **C-25(H)** as follows:

“Except as otherwise provided in this Charter, serve as an ex officio member of and appoint, supervise and terminate all executive committees, commissions and boards needed to assist him or her in the exercise of his or her executive functions and in the planning, formulation and administration of executive ~~policies~~ **procedures** and programs...”

13. It is requested to strike **C-25(P)**:

~~“To conduct studies and investigations in furtherance of his or her executive functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards,”~~ as it is duplicative of C-25H and C-25H is referenced and reinforced in C-28.

14. **Section C-26:** The Charter does not currently require that notice be given to the Legislature when a vacancy is created by the departure of a department head or head of an administrative unit. In turn, an amendment to Section C-26(C) should be made, as follows:

“All appointments, whether or not subject to confirmation of the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within 10 days after the date of appointment. Except as otherwise provided in this Charter, **or state law**, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified, or until an interim appointment is made. **The County Executive shall notify the Legislature, in writing, within ten (10) days from the date a vacancy occurs in any position appointed by the County Executive, pursuant to this Section.**”

15. **Section C-29(D):** The Legislature concurs that there is a timing issue related to the vacancy and the special election that needs to be addressed. There are concerns about not having a protracted period with an appointed Executive.

16. **Section C-29 (G):** Section is confusing and its purpose unclear in relation to the first day and the 45 day period. It is suggested to clean up language.

~~“Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for every new County Executive~~

~~entering into a term thereafter on the first day of such term, be authorized to file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter of taking office, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature consisting of a list of one or more names to serve as Acting County Executive. Such list shall 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. 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."~~

17. **Section C-34(A):** The Legislature respectfully requests that the release date for the proposed budget be advanced by one (1) month, i.e. **no later than August 31st (as suggested by some Commissioners). The full Legislature is in agreement and firmly believes this is necessary in order to perform its duties pursuant to the Charter. The current 2 month schedule has proven time and time again that it is not sufficient time for review and evaluation of the Executive's proposal.** ~~the first or second Friday in September. Also Section C-34(A), calls for a six year capital program but the Ulster County program has consistently been five years.~~ **Please disregard this last sentence about the capital program.**

18. It is requested **C-34 (B)** be amended as follows:

"The proposed County budget shall be balanced, with projected revenues equaling or exceeding estimated expenses for the next ensuing fiscal year, and shall be presented in three sections, one of which shall set forth the estimated revenues and receipts, one of which shall set forth the estimated expenses, and one of which shall set forth the proposed capital authorizations and expenditures. A statement of actual expenses and actual revenues for the **three** immediately preceding completed fiscal years, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the proposed County budget, prepared in a format that facilitates year-to-year comparison. The proposed County budget shall present the complete financial plan for the County and its agencies for the next ensuing

fiscal year, including setting forth proposed borrowing, if any. An estimate of unencumbered balances at the end of each completed fiscal year, except when otherwise provided by law or appropriated for a capital improvement or other authorized continuing project, shall be treated as revenue for the County budget for the next ensuing fiscal year.”

19. **Section C-37:** A proposed amendment to Section C-37, is set forth below:

“C-37. Beginning no later than the third Friday of November of each year, the Legislature, or **Legislative committee designated by the Legislature**, shall hold, in at least three geographically dispersed locations in the County, public hearings on the County Executive's proposed County budget, the budget message submitted by the County Executive, the report resulting from the review and analysis of that budget and message by the Legislature or its designated committee. The Clerk of the Legislature shall cause to be posted on the County website published in the official newspaper of the County and such other newspapers as may be designated by the Legislature notices of the places, locations and times when these hearings shall be held, their purposes, a concise summary of the proposed County budget, budget information, together with copies of the proposed budget, the budget message and the report submitted by the Legislature or its committee may be inspected or obtained by any interested person. At least 10 days shall elapse between the publication of a notice and the date specified for any budget hearing. At a budget hearing any person may be heard. Insofar as necessary and practicable within the deadline for the timely final adoption of the County budget, a budget hearing may be adjourned to a date certain or from day to day.”

20. **Section C-40 (A):** It is respectfully submitted that Section C-40 should be amended, as follows:

A. “The County Executive shall manage the County's resources to achieve maximum economy, efficiency and effectiveness in County government. Pursuant to this responsibility he or she may, during any fiscal year, transfer part or all of any revenue or expenditure within a program or purpose of any department, agency, office or unit to another program or purpose within that department, agency, office or unit, except that the effect of such a transfer, unless used for payroll related expenses, may not be to reduce **or increase** the rate of pay or annual salary of any County employee employment position, regardless of whether said employment

position is vacant or filled in a given year. Written notice of such a transfer shall be given by the **Ulster County Executive, or the County Executive's authorized designee**, to the Legislature **no less than 30 days prior to the date such a transfer is made.**"

21. It is requested to standardize language for all department heads by adding the following to each department where missing, "Department head title X shall perform such other and related duties as required by the County Executive and County Legislature." Missing from:

C-41 Commissioner of Health or Public Health Director

C-44 Commissioner of Mental Health

C-61 Personnel Director

C-69 County Attorney

C-75(B) Director of Economic Development- strike "as appropriated by the"

C-90 Fire Coordinator

C-96 Director of Probation

C-113 Director Emergency Communications/Emergency Management;
Office of Civil Defense

- Below note applies to this request and also the Executive request to remove authority Charter already grants in relation to Planning and Purchasing Director.

Pursuant to C-11, the County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, including but not limited to express legislative authority over the subject matter outlined in Section 11(a)-(p).

Pursuant to C-47 and 74, the Legislature and Executive are expressly authorized to compel both the Director of Planning and Director of Purchasing to perform such "other and related duties" as required by the County Legislature and County Executive. Legislative action authorized by the Charter Sections C-47 and C-74 is subject to the same system of checks and balances as all other Legislative initiatives. A resolution must be drafted, considered in the appropriate Legislative committee, passed by a majority of the members of said committee, then passed by a

majority vote of the full Legislative body. Such a resolution is subject to veto by the County Executive. A veto may be overridden by the Legislature, provided two thirds of the full Legislative body vote to do so.

The Legislature, as the sole appropriating and policy determining body of the County, is required to enact countywide policies, make appropriations and otherwise exercise "all powers and duties" conferred upon it and any such other related duties as required by the Charter. Accordingly, it is essential for the Legislature to have the ability to compel the heads of not only the Planning and Purchasing departments, but all County departments, to take action to provide critical information and other resources that the Legislature requires to develop policy and appropriate funding in an effective manner. To deny the Legislature the authority to compel department heads to take action impairs the Legislature's ability to function in the manner prescribed by the Charter and fosters an unbalanced power structure in county government.

22. It is requested to strike the following language in **C-41**:

~~“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...”~~

23. It is requested to strike and add language in **C-46**:

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

24. **Section C-50(B)** states the capital improvement program is prepared by the Department of Planning (strike the words prepared by the Department of Planning) “To review the capital improvement program ~~prepared by the Department of Planning~~ and guidelines for its preparation; to make written recommendations to the County Executive and the County Legislature...”

This power already vests with County Executive to decide pursuant to C-25 (I) where the Executive is to “Serve as the chief budgetary officer of the County, and as such, prepare and submit to the County Legislature the annual budget, capital program, and accompanying message...”

25. It is requested to amend **C-50(C)** as follows:

“To review the Comprehensive Plan and to submit its recommendations on it to the County Executive and County Legislature and to make recommendations on any proposed amendments to that plan prior to action being taken on such amendments by the County government and to review procedural guidelines for the coordination and preparation of the Comprehensive Plan and annual planning program.”

26. **Section C-53** – Commissioner of Finance- add language “shall devote full working time to the duties of the office”

27. **Section C-53(C)** Director of Real Property Tax Service – Legislature should confirm appointment. (Same already adopted by Commission for C-69 County Attorney)

“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/Director of Real Property Tax Service, who shall be appointed by the County Executive, **subject to confirmation by the County Legislature**, and serve at the pleasure of the County Executive.

28. Delete and Reserve **C-54** Transition

29. It is requested to amend **C-57 (H)** as follows:

“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, 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;”

30. It is requested to amend **C-62 (B)** Commissioner of Social Services as follows: “Powers and duties. Except as may otherwise be provided in the Charter, the Commissioner shall manage and/or supervise all social services ~~institutions~~ programs and facilities owned or operated by the County.”

~~31. It is requested to replace the word “personal” with the word “tangible” in C-63(4) Commissioner of Public Works as follows:~~

~~“Have charge of and have the duty of performing such other functions concerning County real and personal **tangible** property, public works and other matters as the County Executive and Legislature may, from time to time, direct;”~~

Please disregard this request.

~~32. **Section C-77** Public Defender — possible removal of language “shall devote full working time to the duties of the office”~~ **Please disregard this request.**

33. Delete and Reserve **Article XLII**. Department of Community Corrections (Same for XXIX Department of Residential Health Care Facilities – Potential Replacement with adoption of Department of Budget)

34. It is requested to require further member diversification on the Human Rights Commission by amending **C-101(B)** as follows:

“... Appointments shall be representative of the ~~various religious, racial, ethnic and nationality~~ **diversity** groups in Ulster County's communities. Consideration shall be given to **representation of gender, gender identity, racial, ethnic, socioeconomic, age, cultural, religious, geographic and disability diversity.**

35. Suggested general revision – clarify “in writing” is original signature. **This is in regards to section C-12 – submission of enactments for executive approval. Each unique and original resolution is physically presented to the Executive for consideration. When returned, the Clerk maintains each original document. The integrity of this process and these legal documents should be maintained.**

ULSTER COUNTY EXECUTIVE

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Telephone: 845-340-3800

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JEN METZGER

County Executive

CHRISTOPHER KELLY

Deputy County Executive

Chief of Staff



JOHANNA CONTRERAS

Deputy County Executive

AMANDA LAVALLE

Deputy County Executive

County Executive positions on Chair Tracey Bartels Charter Recommendations:

- 2. Support and concur, every 10 years is appropriate.
- 5. Oppose, see County Executive submission.
- 9. Oppose, removes the ability of the County Executive to manage and supervise the day to day operations of the County and hinders the hiring and management of the workforce.
- 10. Oppose, Support moving the contract threshold up to \$75k to adjust for inflation that has occurred since charter implementation. Inflation further reduces the value of contracts in the time between now and the next charter revision committee.
- 13. Need more information to establish a position
- 17. Oppose, See Executive submission
- 20. Oppose, curtails Executive ability to manage
- 21. Oppose, at the core of separation of powers and duties the Executive office is in charge of the operations of the county and this counters to procedure.
- 22. Concur, see Executive language.
- 26. Oppose, to vague there is a process for declaring conflicts and recusal
- 27. Oppose
- 31. Oppose
- 32. Support
- 34. Oppose, See County Executive submission

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 himher, 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, ethnicity 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.

§ 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 incumbent in County government may be designated to any list of succession for possible service as Acting County Executive.
- 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~~ on or prior to 7 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. 180 days before the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than 90 days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing 30 days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on the date of a primary election or the next general election. 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.
- E. If said vacancy occurs after 7 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 every new County Executive entering into a term thereafter on the first day of such term, be authorized to 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 a list of one or more names to serve as Acting County Executive. Such list shall 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. 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.