

Agenda



Charter Revision Commission

Date/Time: 3/2/2023 at 5:00 PM
Zoom Mtg ID: 840 4292 4344

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

Commission Members:

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

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

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

Agenda Items:

1. Call to Order / Roll Call / Welcome Guests and Members of the Public
 2. Approval of February 9, 2023 meeting minutes [see pages 2-6]
 3. Public Comment (if any)
 4. Review of Chart of Proposed Revisions Matrix [see pages 7-9]
 5. Review and discussion of memorandum submitted by the Ulster County Board of Elections Commissioners [see pages 10-14]
 6. Review and discussion of submission by Commission Member Fawn Tantillo:
 - a. Memorandum [see pages 15-18]
 - b. Proposed revisions to C-10 [see pages 19-22]
 7. Review and Discussion of Charter Sections C-22 through C-40 [see pages 23-33]
 8. Adjournment
-

Other Information:

Ulster County Charter Revision Commission Regular Meeting Minutes

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

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

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

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

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NYS Public Officers Law §103-A and Ulster County Local Law No. 8 of
2022*

Absent LeShawn Parker
Brian Woltman

Quorum: Yes

Other Attendees: Drew Boggess, Chair, Ulster County Planning Board
Mike Baden, Vice-Chair, Ulster County Planning Board
Thomas Wilkin, Member, Ulster County Planning Board
Dennis Doyle, Director, Ulster County Planning Department
Christopher Kelly, Deputy County Executive
Victoria Fabella, Clerk, Ulster County Legislature
David Gordon, Esq., Majority Counsel
March Gallagher, Ulster County Comptroller
Alicia DeMarco, Deputy Comptroller
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 5:02 PM.

Motion No. 1: Motion to Amend the February 2, 2023 Meeting Minutes

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Hector Rodriquez

Discussion: Commission Members discussed amending the draft February 2, 2023 meeting minutes to include reference to Legislator Joseph Maloney's comments about: opposing the proposed revision to Section C-11(O) which would increase the amount set forth therein to \$100,000; supporting the proposed revision to Section C-5(B) which would shorten the frequency with which the Commission must be convened to 5 years; and urging the Commission to make recommendations to the Legislature within this legislative session.

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

Voting against: None

Disposition: Motion No. 1 passed 9-0.

Motion No. 2: Motion to Approve the February 2, 2023 Meeting Minutes As Amended

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Hector Rodriquez

Discussion: None.

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

Voting against: None

Disposition: Motion No. 2 passed 9-0.

Public Comment: Mike Baden, Vice-Chair of the Ulster County Planning Board, took the floor and spoke in support of the existing Section C-46 and urged the Commission to leave it as is. Mr. Baden also spoke in support of the Planning Board's proposed revision to Section C-50(E), which would authorize the Ulster County Director of Planning to review certain proposed actions in the event the Planning Board is unable to do so due to a lack of quorum or inability to convene a timely meeting. Several Commission Members discussed the proposal. Drew Boggess, Chair of the Planning Board, also took the floor to speak in support of the proposed

revision to Section C-50(E). Chair Mihm recognized the Ulster County Director of Planning, Dennis Doyle, who took the floor to speak in favor of the proposed revision. Several Commission Members voiced their support for the proposal. Commission Member Rodriguez expressed hesitancy over the “inability to convene a timely meeting” language. Mr. Baden said that the main focus is the “lack of a quorum” language and that the “timely meeting” language could be deleted if necessary. Commission Member Tantillo spoke against striking the “timely meeting” language.

Chair Mihm recognized Christopher Kelly, Deputy County Executive, who advised the Commission that he would be attending the Commission’s meetings going forward.

Chair Mihm recognized Victoria Fabella, Clerk of the Legislature, who spoke against the proposed revision to Section C-11(O) and advised the Commission that the Legislature would be submitting its package of proposed revisions for the next meeting.

Motion No. 3:	Motion to Amend the Proposed Additional Sentence to Section C-10(E) by Deleting “of the entire membership of the Commission.”
Motion made by:	Commission Member Shannon Harris
Seconded by:	Commission Member Mici Simonofsky
Discussion:	Commission Members discussed deleting “of the entire membership of the Commission” from the proposed addition to Section C-10(E) and putting the period after the word “vote” in the proposed sentence. Assistant County Attorney Dante De Leo advised the Commission that the language “of the entire membership of the Commission” was included to be consistent with the current language in Section C-10(E).
Voting in favor:	Commission Members Mihm (Chair), McCarthy, Harris, Kadgen, Rodriguez, Tantillo, Cardinale, Donaldson, Simonofsky
Voting against:	None
Disposition:	Motion No. 3 passed 9-0.

Motion No. 4:	Motion to Approve the Proposed Addition to Section C-11(O) As Amended: “This decision will continue for the duration of the Commission unless and until changed by majority vote.”
Motion made by:	Commission Member Thomas Kadgen
Seconded by:	Commission Member David Donaldson
Discussion:	None.

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

Voting against: None

Disposition: Motion No. 4 passed 9-0.

Commission Member Harris read aloud Sections C-11.1 through C-21 of the Charter. Commissioner Member Rodriguez noted that the Legislature had problems with the timeline set forth in C-15. Victoria Fabella, Clerk of the Legislature, disagreed and spoke in favor of the process set forth in C-15. In regard to C-16, Commission Member Tantillo noted that many advisory boards/committees on the books are inactive and have not convened in a long time. Commission Member Tantillo proposed adding language that if an advisory board/committee has not convened a meeting within a certain amount of time (e.g. a year or 18 months), then it is dissolved. In regard to C-21, Commission Member Tantillo suggested sending C-21 to the Board of Elections for their input. There was a discussion about Commission Member Kadgen's proposal relating to C-21 and partisanship in filling vacancies.

The Commission discussed the matrix of proposed revisions. Chair Mihm recognized Ulster County Comptroller March Gallagher who took the floor to speak about departmental estimates in relation to Matrix Items 10 and 12. Comptroller Gallagher advised the Commission that her office submitted clear proposed language at the last meeting. Deputy Comptroller Alicia DeMarco spoke in support of the Comptroller's proposed changes and emphasized the need for transactional detail that supports the budget. Deputy County Executive Christopher Kelly spoke on behalf of the County Executive's Office in regard to departmental estimates and the annual budget process. Chair Mihm advised the Deputy County Executive that a letter from the Commission requesting input from the County Executive's Office would be forthcoming.

Commission Member Shannon Harris left the meeting at 6:35 pm.

Comptroller Gallagher noted that she will work with Deputy County Executive Kelly on language relating to departmental estimates to propose to the Commission.

Chair Mihm suggested moving the review of the matrix to the front of the agenda.

There was a discussion that Matrix Items 18 and 21 need to be corrected to reflect that they were adopted at the January 12, 2023 meeting.

Commission Member Rodriguez asked whether the Commission ever received opinions from public benefit corporations in regard to Matrix Item 23 and the proposed change to Section C-57(G) of the Charter granting explicit audit authority. There was a discussion as to whether such opinions were necessary or warranted. In response to questions from the Commission, Comptroller Gallagher noted that her office has only audited Ulster County Economic Development Alliance, and not the others.

Motion No. 5: Motion to Adjourn the Meeting

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Hector Rodriquez

Discussion: None.

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

Voting against: None

Disposition: Motion No. 5 passed 8-0.

Meeting adjourned at 6:48 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

#	Submitted By	Description of Change	Date Submitted	Date(s) Considered	Determination	Member Note (Y/N/Discuss)	Relevant Charter Section(s)	Redline Page(s)
1	Patrick Long	Remove reference to Consumer Fraud Bureau	9/16/2022	10/6/2022	Revision Accepted		C-93; C-94	C-75
2	Nancy Schmidt	Remove reference to Community Corrections Department	9/29/2022	10/6/2022	Revision Accepted		C-124, C-125	C-111
3	Juan Figueroa	Streamline budget approval process	9/29/2022	10/6/2022	Await further elaboration from Sheriff's Office			
4	Juan Figueroa	County Attorney works for county executive, not the elected officials of the county	9/29/2022	10/6/2022	Await further elaboration from Sheriff's Office			
5	Brian Slack	Increase number of Traffic Safety Board appointees from 12 to 15	10/5/2022	10/6/2022	Revision Declined			
6	Thomas Kadgen	Process for filling vacancies for vacated offices	10/5/2022	10/6/2022	Elaborated in 11/14 submission			
7	Thomas Kadgen	Charter has been ignored/circumvented	10/5/2022	10/6/2022	Elaborated in 11/14 submission			
8	March Gallagher	Convene Charter Revision Commission at least once every five years	10/4/2022	10/6/2022	Revision Accepted		C-5(B)	C-4
9	March Gallagher	Clarify definition of "department"	10/4/2022	11/3/2022; 2/9/2023	Awaiting discussion between Comptroller's Office and Executive's Office		C-6	C-6
10	March Gallagher	Add definition for "departmental estimates"	10/4/2022	11/3/2022; 2/9/2023	Awaiting discussion between Comptroller's Office and Executive's Office		C-6	C-6
11	March Gallagher	Raise threshold for executive contracts from \$50,000 to \$100,000	10/4/2022	10/6/2022; 11/3/2022	Revision Accepted		C-11(O); C-25(M)	C-12; C-18
12	March Gallagher	Make it clear departmental estimates must be shared to the Legislature. Give Legislature and Comptroller view only access to the budget requests made by the departments. In the current financial system (New World/Logos/Tyler ERP) these are called "Level 1 Budget Worksheets". Make Department heads send a hard copy to the Legislature.	10/4/2022	11/3/2022; 2/9/2023	Awaiting discussion between Comptroller's Office and Executive's Office		C-33	C-23
13	March Gallagher	Establish a deadline for public posting of the budget	10/4/2022	10/6/2022	Revise to include deadline of December 31		C-38(U)	C-26
14	March Gallagher	The Commissioner of Finance shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.	10/4/2022	10/6/2022; 11/3/2022	Pending Further Discussion		C-53(A)	C-39
15	March Gallagher	Add Commissioner of Finance responsibility for timelines to enforce real property tax. Foreclosures should be processed as expeditiously as possible, with an annual review of all hazardous properties, a committee structure to review properties being withheld from the foreclosure action.	10/4/2022	10/6/2022; 11/3/2022	Pending Further Discussion		C-53(B)	C-39
16	March Gallagher	Add enforcement power/duties related to Ulster County's Occupancy Tax so that it's clear the Finance Commissioner has enforcement responsibility.	10/4/2022	10/6/2022; 11/3/2022	Pending Further Discussion		C-53(B)	C-39
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	10/6/2022; 11/3/2022	Pending Further Discussion		C-53(B)(6)	C-39
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	10/6/2022; 11/3/2022	Accepted 1/12/2023		C-53(B)(9)	C-39

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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	10/6/2022: 11/3/2022	Pending Further Discussion	C-56(A)	C-43
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	11/3/2022: 11/10/2022	Revision Accepted	C-57(A)	C-43
21	March Gallagher	Remove bank reconciliations from Comptroller's responsibilities	10/4/2022	10/6/2022: 11/3/2022	Revision Accepted 1/12/2023 Meeting	C-57(B)	C-43
22	March Gallagher	Provide Comptroller authority to audit revenues	10/4/2022	11/3/2022: 11/10/2022	Revision Accepted	C-57(C)	C-43
23	March Gallagher	Provide explicit authority to audit public benefit corporations	10/4/2022	10/6/2022: 11/3/2022	Request Opinions from Public Benefit Corporations	C-57(G)	C-44
24	March Gallagher	Grant authority to subpoena documents including digital records and access to software licensed or owned by the County	10/4/2022	11/3/2022: 11/10/2022	Pending Further Discussion	C-57(H)	C-44
25	March Gallagher	Remove Charter sections regarding filing of Comptroller vacancy by Legislature	10/4/2022	10/6/2022: 11/3/2022	Pending Further Discussion	C-60	C-44, 45
26	March Gallagher	Remove section on residential healthcare facilities	10/4/2022	10/6/2022	Revision Accepted	C-99	C-85
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	10/6/2022: 11/3/2022	Pending Further Discussion	C-110	C-95
28	Ed Jordan	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	11/3/2022	Pending Further Discussion	C-11(O): C-25(M)	C-12, 18
29	Brandon Masterson	Increase cost threshold for contracts being approved by the Legislature.	11/2/2022	11/3/2022	Pending Further Discussion	C-11(O): C-25(M)	C-12, 18
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	11/3/2022: 11/10/2022	Revision Accepted		
31	Brian Wolman	Adopt succession plan for County Executive including election of a C.E. and Prime Deputy ticket	11/10/2022	12/1/2022	Pending Further Discussion		
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	12/8/2022	Pending Further Discussion		
33	Thomas Kadgen	Remove alternative sentencing administrative unit reference from Charter	11/18/2022				
34	Thomas Kadgen	Extend residency requirements for Executive, County Clerk, and Comptroller to be a registered elector for three years	11/18/2022				
35	Thomas Kadgen	Mandatory issuance of subpoena if request for material is ignored or denied	11/18/2022			C-11	
36	Thomas Kadgen	Add provision to allow Legislature to act on any mandate that fails to be met or impasse	11/18/2022				
37	Thomas Kadgen	Mandate salary recommendations of periodic compensation board be placed before Legislature in separate salary categories for a vote	11/18/2022				
38	Thomas Kadgen	Reimburse up to \$5,000 court fees to any plaintiff that successfully sues County for breaching Charter	11/18/2022				
39	Thomas Kadgen	County Attorney must be confirmed by Legislature	11/22/2022				
40	Thomas Kadgen	Periodic Compensation Board member qualification should exclude former county officials	11/22/2022				

WRITTEN SUBMISSIONS TO ULSTER COUNTY CHARTER REVISION COMMISSION

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		
42 Human Rights Comm.	Allow for filling of long-vacant seats by Commissioner	12/8/2022		
43 Human Rights Comm.	Increase number of members from 11 to 15	12/8/2022		
44 Human Rights Comm.	Chair of Commission selected by commission, not County Executive	12/8/2022		
45 Barbara Hill	Raise maximum term limit for service on CSB	12/8/2022		
46 Barbara Hill	Increase mental health subcommittee size to 11 persons from 9	12/8/2022		
47 Nina Postupack	County Historian Appointed by Clerk instead of Exec	1/12/2023	1/12/2023 Revision Accepted	C-103 C:89

Memo for Charter Revision Commission

C-29 Acting County Executive

Current Language with selections bolded:

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

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

Vacancies in the office of County Executive since 2019:

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

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

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

Changes to Election Law:

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

Impact of Election Law Changes:

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

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

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

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

Proposed Amendments:

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

Filling the Vacancy as soon as practical:

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

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

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

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

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

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

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

Conclusion:

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

One last thing:

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

Respectfully submitted,

Ashley Torres, Democratic Commissioner
Ulster County Board of Elections

John P. Quigley, Commissioner
Ulster County Board of Elections

QUALIFIED CANDIDATES FOR COMMISSION ON REAPPORTIONMENT AND COLLECTING DEMOGRAPHIC DATA

BACKGROUND

In 2020, the County Executive provided a “pool of candidates” that included some contact information which could be used to predict geographic diversity however it had no other demographic information. This list was missing some address, emails, and phone numbers for some candidates.

It is not clear if these candidates were vetted to ensure they were “qualified” candidates. As a result, one of the first 4 commissioners appointed had to resign.

The Majority Leader and Minority Leader made their appointments by Jan 1 which gave the 4 appointed commissioners about 2 weeks to select the other 3 commissioners from the “pool of candidates”

The 4 appointed commissioners requested and received additional information from the County Executive that included emails and letters of interest with some additional information about some candidates. This information ranged from extensive resumes and references for some candidates to only contacts for others. The Commissioners should not have to ask for this information, and it underlined the a problem with the protocol used to establish the “pool of candidates”.

With a tight timeline to appoint the remaining 3 Commissioners, the original 4 sent out an email questionnaire to the candidates they had email addresses for. This email spelled out the “qualifications” and offered an opportunity for candidates to explain why they were interested in serving and voluntarily share any demographic data. . Not all candidates in the pool replied to the email before the deadline.

I suggest the CE should be REQUIRED to ENSURE the candidates in the pool are QUALIFIED, collect addresses, emails and phone contacts for each candidate and offer an opportunity for candidates to share pertinent demographic information that could include age, race, religion, etc.

The Administrative Code can detail what protocol to collect demographic information should be requested. However, language requiring the County Executive to ensure all candidates are “qualified” and make some effort to provide demographic information to the Commission for this process is needed.

I also question the timeline that gives the Majority Leader and the Minority Leader 4 months to make their appointments (Sept 1 to Jan 1) from this pool of candidates but only gives the 4 appointed Commissioners 15 days to make their appointments.

§ C-10 Commission on Reapportionment (Redistricting).

- A. This Commission shall consist of seven members who are County residents, are registered to vote in Ulster County, represent the geographic and demographic diversity of Ulster County, and are not currently, nor have been for the three years preceding the formation of the Commission, elected officials, employees of New York State, Ulster County or any town, city or village in that County, or members or officers of any political committee.
- B. To establish a pool from which Commission members will be appointed, the County Executive shall, no later than June 1 of each year ending in zero, commence the process for widely soliciting interest in serving on the Commission through such as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website. **The County Executive shall ensure candidates meet the qualifications listed in C-10, A and have an opportunity to provide demographic information.** A report of the process and a list containing the names of the people in the pool of candidates qualified to serve as members of the Commission shall be submitted to the Clerk of the County Legislature no later than September 1 of each year ending in zero.
- C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent the demographic and geographic diversity of the County and shall be made no later than January 1 of each year ending in "1" with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.
- D ,
 - (1) The four appointed Commissioners shall select the additional three Commission members from the previously established pool no later than January 15 of each year ending in "1" and shall represent the geographic and demographic diversity of the County. In the event that all of the three additional Commission members are not appointed by the prescribed January 15 deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.

RECONVEINING THE COMMISSION ON REAPPORTIONMENT

BACKGROUND

The Charter requires the Commission on Reapportionment to deliver the redistricting map to the Ulster County Board of Elections “on or before July 20 of each year ending in ‘2.’ “ but does not dissolve the commission until “the day following the general election in years ending in “3.”

While it may have been the intent of the Charter to keep the Commission in place to handle any challenges or problems with the map, the Charter has no mechanism or authority or guidelines to allow them to do so once the map has been delivered.

Weeks after the Commission delivered the redistricting map in 2022, they learned that the State Law that included tighter redistricting requirements was passed during their deliberations that made the map they delivered illegal and void. Some Commissioners wanted to reconvene to redo the map but the majority of the members of the Commission felt that the Charter was moot on this issue, and they were not authorized to make any changes after July 20.

I suggest language be developed by the County Attorney and the Legislative Attorney to REQUIRE the Commission on Reapportionment to reconvene and re-do the map in such extraordinary circumstances. This language may need to take into consideration Board of Election timelines.

§ C-10 Commission on Reapportionment (Redistricting).

- F. Powers and duties of the Commission; hearings; submissions and approval of the plan.
- (1) Following each decennial census, the Commission shall divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The Commission shall be solely limited to creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. The Commission shall be guided by the criteria set forth in § C-10A of the County Charter.
 - (2) To the maximum extent practicable, each of the 23 single member legislative districts shall be created, taking into consideration § C-10A of this Charter.
 - (3) The Commission shall hold one or more 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.

- (4) The Commission shall prepare and adopt, by majority vote, a final plan for reapportionment and file its plan with the Ulster County Board of Elections on or before July 20 of each year ending in "2."
- (5) The Commission's reapportionment plan shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3."
- (6) The Ulster County Board of Elections shall make adjustments as may be necessary and appropriate to comply with the adopted plan.
- G. The County Legislature shall appropriate such funds as it deems are necessary for the Commission to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission subject to the provisions set forth in this Charter and applicable federal, state, and local laws.
- H. The Reapportionment Commission shall be dissolved on the day following the general election in years ending in "3."

§ C-10 Commission on Reapportionment (Redistricting).
[Amended 8-14-2012 by L.L. No. 9-2012; 11-6-2018]

- A. A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from each decennial census to evaluate existing legislative districts to the maximum extent practicable pursuant to the process established herein and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries, defining geographic features, and equal population within applicable law, but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven members who are County residents, are registered to vote in Ulster County, represent the geographic and demographic diversity of Ulster County, and are not currently, nor have been for the three years preceding the formation of the Commission, elected officials, employees of New York State, Ulster County or any town, city or village in that County, or members or officers of any political committee.
- B. To establish a pool from which Commission members will be appointed, the County Executive shall, no later than June 1 of each year ending in zero, commence the process for widely soliciting interest in serving on the Commission through such as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website. The County Executive shall ensure candidates meet the qualifications listed in C-10.A, and have an opportunity to provide demographic information. A report of the process and a list containing the names and contact information of the people in the pool of candidates qualified to serve as members of the Commission shall be submitted to the Clerk of the County Legislature no later than September 1 of each year ending in zero.
- C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent the demographic and geographic diversity of the County and shall be made no later than December 1~~January 1~~ of each year ending in "01" with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.
- D. _____
- (1) The four appointed Commissioners shall select the additional three Commission members from the previously established pool no later than January 15 of each year ending in "1" and shall represent the geographic and demographic diversity of the County. In the event that all of the three additional Commission members are not appointed by the prescribed January 15 deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.
- (2) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in

the manner prescribed in Subsection C above no later than February 1 of each year ending in "1." The four newly appointed members will appoint three additional members as set forth above by February 15 of each year ending in "1." In the event that all of the three additional Commission members are not appointed by the prescribed February 15 deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.

- (3) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above but no later than March 1 of each year ending in "1."
 - (4) In the event that these four Commission members fail to select all of the three additional members by March 15 of each year ending in "1," then by April 1 of each year ending in "1," the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of this Charter. The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in § C-10A of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of this Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.
 - (5) A vacancy in any Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than 15 days from the date of the vacancy.
- E. The first meeting of the Commission shall be convened by the County Executive no later than 15 days after it is fully appointed/or the purposes of receiving its charge and determining how a Chairperson will be selected. The Commission shall decide at its first meeting by majority vote of the entire membership of the Commission if it will have a Chairperson and Vice Chairperson by election or a Chairperson by rotation. This decision will continue for the duration of the Commission unless and until changed by majority vote.
- (1) Chairperson and Vice Chairperson by election.
 - (a) The Commission shall elect a Chairperson and Vice Chairperson at its first meeting by majority vote of the entire membership of the Commission. The Chairperson and/or the Vice Chairperson may be removed from his/her seat by a two-thirds vote of the entire

membership of the Commission. A vote for removal of the Chairperson and/or Vice Chairperson may be called by any member of the Commission. A vote for removal from the seat of Chairperson or Vice Chairperson is not a vote for removal from the Commission.

- (b) In the event of a vacancy in the seat of Chairperson or Vice Chairperson the vacancy shall be filled by a majority vote of the entire Commission immediately thereafter, but in no event shall it be later than at its next scheduled meeting immediately following the vacancy.
- (2) Chairperson by rotation. The position of Chairperson shall rotate each meeting. The position shall rotate among the Commissioners in alphabetical order by surname commencing with the Commissioner whose surname begins with the letter appearing earliest in the alphabet. A Commissioner may elect to not sit as the Chairperson, in which event, the Chair shall move to the next Commissioner in the rotation. Should a Commissioner elect to not serve as Chairperson at any point during the rotation, this decision shall not result in the forfeiture of future turns to serve as Chairperson.

F. Powers and duties of the Commission; hearings; submissions and approval of the plan.

- (1) Following each decennial census, the Commission shall divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The Commission shall be solely limited to creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. The Commission shall be guided by the criteria set forth in § C-10A of the County Charter.
- (2) To the maximum extent practicable, each of the 23 single member legislative districts shall be created, taking into consideration § C-10A of this Charter.
- (3) The Commission shall hold one or more 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.
- (4) The Commission shall prepare and adopt, by majority vote, a final plan for reapportionment and file its plan with the Ulster County Board of Elections on or before July 20 of each year ending in "2."
- (5) The Commission's reapportionment plan shall ~~have the force and effect of law not be subject to approval or disapproval by the County Legislature or County Executive and~~ shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3."
- (6) The Ulster County Board of Elections shall make adjustments as may be necessary and appropriate to comply with the adopted plan.

G. The County Legislature shall appropriate such funds as it deems are necessary for the Commission to effectively conduct its business. The expenditure of such funds shall be

under the sole control and discretion of the Commission subject to the provisions set forth in this Charter and applicable federal, state, and local laws.

- H. The Reapportionment Commission shall reconvene prior to its dissolution and make changes required by law or court order. The Commission shall be dissolved on the day following the general election in which the adopted plan is first used, years ending in "3."

ARTICLE III
Executive Branch

§ C-22. County Executive.

The executive power of the County government shall be vested in a County Executive who, as chief executive, shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by any and all provisions of this Charter and/or by law.

§ C-23. Election and qualifications.

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

§ C-24. Term of office. [Amended 7-16-2019 by L.L. No. 4-2019]

- A. The County Executive shall be elected for a three-year term at the regularly scheduled election in the first even-numbered year following the adoption of this Charter, and thereafter every fourth year for a four-year term. The County Executive's term of office shall begin with the first day of January following his or her election.
- B. No person shall serve as County Executive for more than three full terms, unless he or she has filled an unexpired term prior thereto. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof.

§ C-25. Powers and duties of County Executive.

The County Executive shall be the chief executive of the County. Except as may be otherwise provided in this Charter, he or she shall have and exercise all the executive powers and duties conferred by this Charter and/or in law upon a County executive officer or the executive branch of a County government, and all powers and duties necessarily implied or incidental thereto:

- A. Appoint department heads and other officers and employees as provided in this Charter. Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk and the County Clerk within a period of 120 days from a vacancy in such department or administrative unit, except in the case of the departments of health and social services, in which case such appointment shall be made within 180 days, the County Legislature may appoint such department head or administrative unit head. In no event shall, unless a default occurs in the confirmation process by the County Legislature, any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk; [Amended 8-14-2012 by L.L. No. 9-2012¹⁰]

- B. Supervise, direct and control the administration of all departments;
- C. Appoint, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office as may be authorized by the County Legislature;
- D. Conduct or supervise the conduct of collective bargaining negotiations with legally designated bargaining agents of County employees;
- E. Supervise and direct the internal structure and organization of every unit of the executive branch of the County government;
- F. Reorganize the duties of, create, combine, separate, or eliminate executive departments of the County with the confirmation of the Legislature;
- G. Except as otherwise provided in the Charter or applicable law, supervise the appointment and dismissal of employees;
- H. 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 and programs;
- I. 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, all as provided for in Article IV of this Charter, and execute the County budget and capital program in accordance with the resolutions and appropriations made by the County Legislature;
- J. Designate one or more official depositories located within the County for the deposit of County funds;
- K. Himself or herself or through a designee require the submission of regular reports of all County-funded agencies, assuring that publicly provided funds are used by said funded agencies in accord with overall County plans and agreed annually specified goals and objectives for said agencies;
- L. Approve or disapprove the sufficiency of sureties on official bonds and undertakings required to be posted of officers within the Office of the County Executive;
- M. Execute all contracts under the sum of \$50100,000 and, with the approval of the County Legislature, all contracts in excess of \$50100,000;
- N. Approve or disapprove in writing every proposed local law and resolution and the County Budget by specified items, subject to the provisions of § C-12 of this Charter; and
- O. Make such recommendations to the County Legislature with respect to the affairs of the County and its government as he or she may deem appropriate.
- P. To conduct studies and investigations in furtherance of his or her executive

Commented [RW5]: Matrix 11
Matrix 28
Matrix 29

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

functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards. [Added 8-14-2012 by L.L. No. 9-2012¹¹]

§ C-26. Appointment of department heads.

- A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official.
- B. The appointment by the County Executive of the head of each department or other administrative unit shall, unless otherwise specified in this Charter, be subject to the confirmation by the County Legislature by vote of a majority of the whole number of members elected to that body, taken at a regular or special meeting pursuant to § C-15 of this Charter. [Amended 8-14-2012 by L.L. No. 9-2012¹²]
- C. 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, 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.
- D. Upon confirmation by the County Legislature and qualifying for the office, an appointee to a position of head of a department or other administrative unit shall enter upon the duties of that position.
- E. The County Executive may designate a qualified person to serve temporarily or on an interim basis as the head of a department or administrative unit until an appointment is made pursuant to this Charter. [Amended 8-14-2012 by L.L. No. 9-2012¹³]
- F. All other officers and employees of each department or other administrative unit shall be appointed by the head of that department or administrative unit, unless otherwise provided by the Charter.
- G. The County Executive may appoint one person as head of two or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in this Charter and/or law as to qualifications.

§ C-27. Deputy County Executive(s).

The County Executive may appoint or designate one or more Deputy County Executive(s), within the limits of appropriation set by the County Legislature, who shall serve at the pleasure of the County Executive. The Deputy County Executive(s) shall

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

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

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

have the authority to act generally for and in place of the County Executive.

§ 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.

§ C-29. Acting County Executive. [Amended 8-14-2012 by L.L. No. 9-2012¹⁴]

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

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

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.

§ C-30. Removal of County Executive.

The County Executive may be removed from office only in accord with provisions and in the manner provided in the New York State Constitution and the Public Officers Law.

ARTICLE IV
Financial Procedures

§ C-31. Fiscal year.

The fiscal year of Ulster County shall begin with the first day of January and end with the last day of December of each year.

§ C-32. Duties of County Executive.

It shall be the duty of the County Executive to prepare and file the County expense and capital budgets and capital program for each fiscal year in accordance with the provisions of this Charter and applicable state law. Pursuant to this duty, the County Executive shall have the power, personally or through his or her representatives, to require all necessary information from all departments, agencies, offices or units of County government for the purpose of ascertaining and/or assessing their budgetary requirements.

§ 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 him or her, an overall estimate for that department, agency, office or unit and estimates by program within that department, agency, office or unit of expected expenses and expected revenues for the next ensuing fiscal year. A copy of said estimates from each department, agency, office or unit shall be simultaneously submitted to the Clerk of the Legislature. These estimates shall be called "departmental 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 estimates shall be public records and shall at all reasonable times be open to public inspection.

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§ C-34. Submission of County budget.

- A. On or before the first Friday of October in each year, the County Executive shall submit to the Clerk of the Legislature, for consideration by the County Legislature, a proposed operating and capital budget for the next ensuing fiscal year and a proposed capital program for the next ensuing six fiscal years or other period as may be authorized by law, together with a budget message as provided in § C-35. Upon their submission, the proposed expense and capital budgets, hereinafter called

the "County budget," together with the budget message, shall be posted on the County website and become public records in the office of the Clerk for distribution.

- B. 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 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 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.

§ C-35. Budget message.

The County Executive shall submit with the County budget a budget message summarizing and explaining the main features of the County budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the Legislature may by resolution require. The County Executive's proposed budget shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital improvement proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

§ C-36. Review of County budget and message.

The Legislature or a committee designated by it will review the County Executive's proposed County budget and budget message and may require attendance of the heads of departments, agencies, offices or units or their representatives and/or their production of records and information in explanation of their departmental estimates as the Legislature shall deem appropriate. The Legislature or a committee designated by it shall prepare a written analysis and review of the County Executive's proposed budget and make it publicly available, including posting it on the County government website, no later than the second Friday of November of each year.

§ C-37. Public hearings on County budget.

Beginning no later than the third Friday of November of each year, 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.

§ C-38. Adoption of County budget.

- A. After the conclusion of the public hearings, the Legislature may strike items of appropriation or anticipated revenue from the proposed County budget or reduce items therein, excepting appropriations required by law for debt service. The Legislature may add items to or increase items in the County budget, provided that such additions or increases are stated separately and distinctly, and so long as projected expenditures and projected revenues in the County budget remain in balance.
- B. The balanced County budget as changed, altered or revised shall be adopted by resolution of the Legislature not later than the second Thursday of December.
- C. If the Legislature takes no action by the second Thursday of December, the budget submitted by the County Executive shall be deemed to be the adopted budget.
- D. If the County budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be adopted.
- E. If, however, the County budget as adopted by the Legislature contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk of the Legislature to the County Executive for examination and reconsideration.
- F. If the County Executive approves all the increases, additions, decreases or deletions, he or she shall affix his or her signature to a statement thereof and return the County budget together with such statement to the Clerk of the Legislature, and the County budget, including the increases, additions, decreases or deletions as part thereof, shall be adopted.
- G. If the County budget, with any increases, additions, decreases or deletions, is not returned by the County Executive to the Clerk of the Legislature with his or her objections within five working days after presentation by the Clerk to the County Executive, it shall be deemed adopted, as changed, altered or revised by the

Legislature.

- H. If the County Executive objects to any one or more of the increases, additions, decreases or deletions, the County Executive shall append to the County budget a statement of the increases, additions, decreases or deletions to which the County Executive objects, taking care that his or her proposed changes leave the County budget in balance and setting forth the reasons therefor, and shall, no later than five working days after receipt of the adopted budget from the Clerk of the Legislature, return the County budget with the objections to the Clerk of the Legislature, who shall immediately present them to the Legislature. The Legislature shall thereupon enter the objections upon its records and, not later than the 20th day of December, proceed to reconsider the increases, additions, decreases or deletions to which objection is made by the County Executive. If upon such reconsideration the Legislature, by affirmative vote of at least 2/3 of its elected members, votes to approve any such increases, additions, decreases or deletions, the County budget, with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted as resubmitted by the County Executive so long as balance remains between proposed expenditures and proposed revenues in that budget.
- I. If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.
- J. Copies of the County budget as adopted shall be certified by the County Executive and by the Clerk of the Legislature and shall be filed in the offices of the County Executive and the Clerk of the Legislature. The budget so certified shall be posted on the County website and, at the discretion of the Legislature, printed or otherwise reproduced and copies made available to the public at such cost as the Legislature shall deem appropriate by December 31st of the adopted budget year. Materials posted to the County website annually during the course of preparation of the County budget may not be removed from public access until the certified County budget for the year is posted in accord with the requirements of this section.

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§ C-39. Levy of taxes; inclusion of reserve for uncollected taxes.

- A. The net County tax requirement determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the amount of such a sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated expenditures of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year.
- B. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

§ C-40. Budget modification after adoption.

- 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 may not be to reduce the rate of pay or annual salary of any County employee. Written notice of such a transfer shall be given to the Legislature.
- B. Upon written request of the County Executive, the Legislature may, during any fiscal year, transfer part or all of any revenue or expenditure from one department, agency, office or unit to another, or transfer part or all of any revenue or expenditure for the purpose of establishing or adding to a new program or programs within or between departments, agencies, offices or units, or transfer funds from a contingency account to a department, agency, office or unit, or change the terms and conditions under which expenditures may be made by a department, agency, office or unit. Any action taken by the Legislature pursuant to this section shall be by resolution subject to the provisions of §§ C-12 and C-14 of this Charter.
- C. If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated source but in excess of the budget estimated for it, before such funds may be expended the County Legislature must make supplemental appropriations for the year, not in excess, however, of such additional revenues, whatever their source.
- D. If, at any time during the fiscal year, it appears that the revenues available will be insufficient to meet amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action already taken by him or her, and his or her recommendations as to further action. The County Legislature shall take the action or actions that it deems necessary and as authorized by this Charter or state law to prevent or minimize any deficit. For purposes of eliminating or minimizing a potential deficit, the Legislature may, by resolution, reduce one or more appropriations, but no appropriation may be reduced by more than the unencumbered balance remaining for that purpose for the year, nor may any appropriation for debt service be reduced.