

**Ulster County Charter Revision Commission
Regular Meeting Minutes**

Date/Time: September 7, 2023 at 5:00 PM

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

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

Absent: Thomas Kadgen

Quorum: Yes

Other Attendees: Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Dante De Leo, Assistant County Attorney

Chair Mihm called the meeting to order at 5:00 PM.

Motion No. 1: **Motion to Approve August 24, 2023 Meeting Minutes**

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Mici Simonofsky

Discussion: None.

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

Voting against: None

Disposition: **Motion No. 1 passed 8-0.**

Commission Member Scott McCarthy joined the meeting at 5:01 PM.

Motion No. 2: Motion to Approve Proposed Revisions to Sections C-59 and C-60, As Amended, as follows:

§ C-59. Acting Comptroller.

A. The County Comptroller shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Comptroller in the event that the County Comptroller resigns, dies or certifies in writing and files with the County Clerk a statement that the County Comptroller is unable to perform and/or exercise the powers and duties of the office of County Comptroller, 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, their inability to serve is certified by qualified and competent medical authority. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.

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

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

B. Only a person who is a qualified elector of Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Comptroller and shall remain a qualified elector throughout the term of office.

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

A. Filling Comptroller vacancy. If a vacancy occurs in the office of the Comptroller of Ulster County on or prior to 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the next general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy, for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully

A. qualified by law to hold that office, and meeting the independence standards set forth by the United States Government Accountability Office in that agency's most recent revision of Government Auditing Standards, by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two weeks after the vacancy occurs, and no later than one month after the vacancy occurs.

B. If said vacancy occurs after 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the general election held next thereafter.

~~B. Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first general election day at which a general election may be held under law to fill this position.~~

C. 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 election.

~~C. Election; person to serve for duration of unexpired term. The person chosen at general election, held as soon as practicable on a general election day under state law to fill a vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.~~

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Member Donaldson noted that the last reference to "County Comptroller" in C-59(A) should be replaced with "County Executive." Commission Member Tantillo noted that the following sentence, which was deleted in the proposed revision, should be reinserted: "The Acting

Comptroller shall have all the powers and perform all the duties of the Comptroller.”

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

Voting against: None

Disposition: Motion No. 2 passed 9-0.

Commission Members discussed the proposed revisions as set forth in the draft redline of the Charter. Commission Members agreed that the following amendments/corrections should be made:

In Section C-5(B), add “subsequent” to the first sentence, as follows: “Beginning in the year 2030, and every **subsequent** year ending in “0” 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.

In Section C-5(B)(1), “year” in the first sentence should be changed to the plural “years.”

[Commission Member Hector Rodriguez joined the meeting at 5:15 PM].

In Section C-21(A), social media “channels” in the last sentence should be replaced with social media “platforms.”

In Section C-29(F), “service” in the last sentence should be replaced with “serving.”

In Sections C-50(B) and (C), the letter “M” in the first sentence in each section should be removed.

In Section C-93(A), the last sentence should be amended as follows: “They shall be appointed by the County Executive with confirmation by the County Legislature and serve at the ~~ir~~ pleasure **of the County Executive.**”

In Section C-100, the Section Title should be amended as follows: “~~Commissioner~~ **Director** of Human Rights.”

Article XXXIII (Board of Ethics) should be replaced in its entirety with the current Charter language as reflected in Local Law No. 2 of 2022.

The Department of the Environment Article should be “**XLII**” not “XXII.”

Motion No. 3: Motion to Approve the Corrections/Amendments to the Charter Redline as Agreed Upon by the Commission Members at the September 7, 2023 Meeting

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Members Brian Woltman and Fawn Tantillo

Discussion: None.

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

Voting against: None

Disposition: Motion No. 3 passed 10-0.

Commission Member read aloud the draft narrative for the introduction to the Commission's Report. Commission Members discussed whether the Commission's recommendation, that elected officials and department heads be asked by the County Executive to submit their proposed Charter revisions to the Clerk of the Legislature in advance of the first meeting of future Commissions, should be included as part of the Charter redline or the narrative. The consensus was to include the recommendation only in the narrative.

Motion No. 4: Motion to Adjourn

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Members Hector Rodriguez

Discussion: None.

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

Voting against: None

Disposition: Motion No.4 passed 10-0.

Meeting adjourned at 6:12 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo