

Agenda



Charter Revision Commission

Date/Time: 9/7/2023 at 5:00 PM
Zoom Mtg ID: 840 4292 4344

Location(s): 244 Fair St., 6th Fl., Kingston, NY

Commission Members:

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

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

Agenda Items:

1. Call to Order / Roll Call / Welcome Guests and Members of the Public
 2. Approval of August 24, 2023 Meeting Minutes [p. 2-9]
 3. Public Comment (if any)
 4. Review of Proposed Revisions to Sections C-59 (Acting Comptroller) and C-60 (Vacancy) [p. 10-11]
 5. Review of Working Redline Draft of the Charter
 6. Discussion of Draft Narrative for Commission's Report pursuant to C-5(B)(3)
 7. Adjournment
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Other Information:

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

Date/Time: August 24, 2023 at 5:00 PM

Location: Ulster County KL Binder Library
244 Fair Street, 6th Floor, Kingston, New York 12401

Present: Kathleen Mihm (Chair)
Fawn Tantillo
D. Mici Simonofsky
David Donaldson
Scott McCarthy
Hector Rodriguez
Brian Woltman

Absent Thomas Kadgen
Frank Cardinale
Shannon Harris
LeShawn Parker

Quorum: Yes

Other Attendees: Johanna Contreras, Deputy County Executive
Amanda LaValle, Deputy County Executive
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 5:10 PM.

Motion No. 1: Motion to Approve August 10, 2023 Meeting Minutes

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

Disposition: Motion No. 1 passed 6-0.

Chair Mihm recognized Amanda LaValle, Deputy County Executive, who spoke regarding changes to the proposed revisions relating to the Department of the Environment, as set forth in Matrix Items 143 and 145.

Commission Member Brian Woltman joined the meeting at 5:17 PM.

Commission Members discussed changing specific language in the County Executive's Recommendation # 11, relating to the creation of a Department of the Environment within the Charter. In C-124(B)(10), Commission Members discussed replacing the word "coordinate" with "support" and generalizing the references to specific technologies.

Motion No. 2: Motion to Amend the Proposed Language in County Executive's Recommendation #11, C-124(B)(10), as follows:

10) ~~Coordinate~~ Support the efforts of County departments and municipalities to utilize geographic information system (GIS) ~~equipment and software as well as global positioning equipment~~ and other technologies to compile, collect, organize and analyze geographic information relative to the focus and planning objectives of Ulster County and the Environmental Management Council.

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: Commission Members discussed whether or not to delete "and the Environmental Management Council."

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

Voting against: None

Disposition: Motion No. 2 passed 7-0.

Deputy CE LaValle spoke in support of amending C-124(B)(11) to include reference to the County Executive.

Motion No. 3: Motion to Amend the Proposed Language in County Executive's Recommendation #11, C-124(B)(11), as follows:

11) Prepare and present oral, written and multi-media reports to the County Executive, County Legislature, municipal officials, the media and the public.

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None

Disposition: Motion No. 3 passed 7-0.

Motion No. 4: Motion to Approve the County Executive’s Recommendation #11, the Creation of the Department of the Environment, Matrix Item 145, As Amended, as follows:

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~~ **Support** the efforts of County departments and municipalities to utilize geographic information system (GIS) ~~equipment and software as well as global positioning equipment~~ **and other technologies** 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 Executive**, 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.

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Dave Donaldson

Discussion: None.

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

Voting against: None

Disposition: Motion No. 4 passed 7-0.

Motion No. 5: Motion to Approve County Executive's Recommendation #9, C-111, as Amended, as follows:

**§ 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 **non-voting**. 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.

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Dave Donaldson

Discussion: Commission Member clarified that both the Director of Planning and Director of Environment should be non-voting members.

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

Voting against: None

Disposition: **Motion No. 5 passed 7-0.**

Public Comment: None.

Commission Member Tantillo read aloud the proposed draft narrative to be included as part of the Commission’s Report pursuant to C-5(B)(3).

Commission Members discussed the C-5(B) regarding when and how future Charter Revision Commissions should meet. Commission Members clarified that the first sentence in C-5(B) should read: “Beginning in the year 2030, and every 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.”

Commission Members discussed requiring the first meeting of future Charter Revision Commissions to be a date certain, such as April 15.

Motion No. 6: Motion to Amend the C-5(B)(1) as follows:

(1) The first meeting of the Commission members shall be convened by the County Executive ~~in the second week after the deadline for its appointment~~ **on or before April 15 in the year ending in “0”** for the purposes of electing a Chairman and receiving its charge. The Chairman of this Commission shall be elected at that meeting by a majority vote of the entire membership of the Commission.

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None

Disposition: **Motion No. 6 passed 7-0.**

Commission Member Woltman noted that the draft narrative needs to be revised to reflect that future Charter Revision Commissions “meet” by April 15 in years ending in “0” as opposed to “be appointed” by April 15 in years ending in “0.”

Commission Member Donaldson suggested changing the language to “appointed and convened.” Commission Member Woltman disagreed and said that those are two separate dates.

Commission Member Tantillo read the section of the draft narrative relating to requiring that submissions to the Charter Revision Commission be made 6 months in advance of its first meeting. Commission Member Donaldson questioned whether it should be years ending in “1” versus “0” to give new Legislators time for adjustment. Commission Member Tantillo spoke in favor of years ending in “0.” Commission Member Rodriguez noted that there will always be turnover with Legislature every two years.

Commission Member Rodriguez questioned whether the County Executive should be the sole party collecting submissions on the strengths and weaknesses of the Charter. Commission Members discussed whether another party should be involved in notifying elected officials and department heads and/or collecting submissions. Commission Member Rodriguez and Tantillo spoke in support of having the Chair of the County Legislature, along with the County Executive, to notify elected officials and department heads and collect submissions.

Commission Member Donaldson spoke in opposition to adding the Chair of the Legislature to such proposal. Commission Member Simonofsky noted that the point of collecting submissions early is to start the process and to be able to organize the discussion at the outset of the Charter Revision Commission’s convening. Commission Member McCarthy agreed. Chair Mihm spoke in support of putting the early submission proposal in the narrative, not in the Charter. Commission Members Tantillo and Rodriguez spoke in favor of putting the language in the Charter.

Commission Member Woltman proposed spelling out each of the elected officials which must be notified of the request for submissions. Commission Member Donaldson proposed that notice should go out by the Executive, but the submissions should be collected by the Clerk of the Legislature. The other Commissioner Members agreed that the Clerk of the Legislature should collect the submissions.

Commission Members discussed where the additional language should be added to the Charter. Commission Member Tantillo suggested created a new subsection in C-5(B). Commission Members discussed drafting specific language for discussion at the next meeting.

Commission Member Scott McCarthy left the meeting at 6:17 PM.

Commission Members discussed whether to include Administrative Code changes in the narrative and decided against it.

Commission Members discussed the Comptroller’s request that sections C-59 and C-60 (relating to Acting Comptroller and filling a Comptroller vacancy) mirror the proposed revisions to section C-29 as approved by the Commission.

Motion No. 7: Motion to Adjourn

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Brian Woltman

Discussion: None.

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

Voting against: None

Disposition: Motion No. 7 passed 6-0.

Meeting adjourned at 6:36 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo

§ 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 Comptroller, their inability to serve is certified by qualified and competent medical authority.

~~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.

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~~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.~~