

## Proposed Local Law Number 16 Of 2023

### County Of Ulster

#### **A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For The County Of Ulster, (Local Law No. 10 Of 2008), To Modify Various Provisions**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

**SECTION 1. Article 1, §C-5 B of the Ulster County Charter is REPEALED and a new § C-5 B is added to the Ulster County Charter to read as follows:**

B. Amendment or revision by Commission. ~~Within five years after the enactment of this Charter~~**Beginning in the year 2030, and at least and every subsequent year thereafter ending in "0"** ~~10-5 years thereafter~~, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to this County Charter. The Commission shall consist of 11 qualified electors of Ulster County and representing the different geographic areas and reflective of the demographic diversity of the County, with five members appointed by the County Executive, three members to be appointed by the leader of the party in the Legislature with the most members, and three members by the leader of the party in the Legislature with the second most members. No appointee to this Commission shall be a County employee or elected official at the time ~~he or she~~**they** serves on this Commission. **Notwithstanding any other provision of this Charter, a Charter Revision Commission may be convened at any time by Local Law.**

- (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 years 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.
- (2) The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively. No member of the Charter Revision Commission shall receive any compensation, but each member shall be reimbursed by the County of Ulster for all actual and necessary expenses incurred in the course of the performance of ~~his or her~~**their** duties as a member of the Commission.
- (3) The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website. The Commission shall issue a written report to the County Legislature and County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting, containing its findings and recommendations,

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if any, for amendments or revisions of the Ulster County Charter to be placed by the County Legislature before the people of Ulster County for their consideration at the next scheduled general election at least 60 days after the report is delivered to the Clerk of the Legislature. The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.

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

**SECTION 2. Article 1, Section C-6 of the Ulster County Charter is REPEALED and a new Section C-6 is added to the Ulster County Charter to read as follows:**

**§ C-6. Definitions.**

Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE — The Administrative Code, if any, which may be adopted by the County Legislature, and any amendments thereto.

ADMINISTRATIVE HEAD — The head of any administrative unit.

ADMINISTRATIVE UNIT — Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of the foregoing.

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**AUTHORIZED AGENCY** — Any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by the County Law, to receive and expend County funds for a County purpose.

**CAPITAL PROGRAM** — The plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects, and the proposed method of financing. It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:

- A. A description of the proposed project and the estimated total cost;
- B. The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation of duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state government; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and
- C. An estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.

**CAPITAL PROJECT** —

- A. Any physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired; or
- B. Any preliminary studies and surveys relating to any physical betterment or improvement; or
- C. Land or rights in land; or
- D. Any combination of Subsection A, B or C.

**CHARTER** — This Ulster County Charter and all its amendments, if any.

**CLERK** — ~~The Clerk of the County Legislature.~~

**COUNTY** — The County of Ulster.

**COUNTY EXECUTIVE** — The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

**COUNTY LAW** — The County Law of the State of New York.

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COUNTY LEGISLATURE — The elective legislative, appropriating and policy- determining body of the County of Ulster. Whenever the term "County Board," Board of Supervisors," "County Governing Board" or "elective governing body of the County" is referred to in any law, it shall be deemed to mean and refer to the County Legislature.

DEPARTMENT — ~~The administrative unit which is the primary level of County government.~~ **Each of those administrative units of the executive branch set forth in Article V through Article XLIV herein.**

**DEPARTMENTAL ESTIMATES – Departmental estimates shall represent the detailed budget requests submitted by each department to the Executive for the development of the Executive’s Proposed Budget. These departmental requests will include any estimates, detail, and supporting documentation provided to justify the departmental requests submitted, and access to any such information in the County’s financial software system.**

DEPARTMENT HEAD — The administrative head of any department, and may also be referred to herein as a "commissioner" or "director."

DIVISION — The administrative unit which is the secondary level of County government.

ELECTION LAW — The Election Law of the State of New York.

EXECUTIVE LAW — The Executive Law of the State of New York.

GENERAL MUNICIPAL LAW — The General Municipal Law of the State of New York.

**GEOGRAPHICALLY DIVERSE —To qualify as geographically diverse locations, such locations must be in districts no less than two Legislative districts from the County seat and no less than three Legislative districts from each other.**

LOCAL LAW — A legislative act of the County Legislature adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance or similar act of the County Legislature.

MUNICIPAL HOME RULE LAW — The Municipal Home Rule of the State of New York.

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**ORIGINAL SIGNATURE**—A term used to describe an autograph in ink on the original paper.

**PUBLIC OFFICE** — Any office of federal, state or local government whether elected or appointed.

**PUBLIC OFFICERS LAW** — The Public Officers Law of the State of New York.

**REAL PROPERTY TAX LAW** — The Real Property Tax Law of the State of New York.

**READ-ONLY ACCESS** – Access to County software systems and/or accounts on a view-only or read-only basis, without ability to edit or change data entries.

**SECRETARY OF STATE**—Secretary of State of the State of New York.

**WHOLE NUMBER**—The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.

**SECTION 3. Article II Section C-8 of the Ulster County Charter is REPEALED and a new Section C-8 is added to the Ulster County Charter to read as follows:**

**§ C-8. Members; term of office; election.**

- A. Effective at the general election of 2011, the County of Ulster shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of the County Legislature. Such persons while holding office shall be known as "Legislators."
- B. The term of office of the members of the County Legislature shall be two years beginning on the first day of January next following their election at the general election held in every odd-numbered year.
- C. No person shall serve as a County Legislator for more than six full terms, unless ~~he or she~~ **has they have** 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~~ **their** first full term of office after the effective date hereof. **[Added 7- 16-2019 by L.L. No. 4-2019]**

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**SECTION 4. Article II Section C-9 of the Ulster County Charter is REPEALED and a new Section C-9 is added to the Ulster County Charter to read as follows:**

**§ C-9. Qualifications.**

- A. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector and resident of the district from which the Legislator is elected, except that for an election immediately following the reapportionment of County legislative districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either ~~his or her~~ **their** district of residence or any newly drawn district which is contiguous to ~~his or her~~ **their** district of residence, provided that the County Legislator shall become a resident of the district represented no later than one year after taking office.
- B. No County Legislator shall hold at the same time any other elective public office.

**SECTION 5: Article II Section C-10 of the Ulster County Charter is REPEALED and a new Section C-10 is added to the Ulster County Charter to read as follows:**

**§ C-10. Commission on Reapportionment (Redistricting). [Amended 8-14-2012 by L.L. No. 9-2012<sup>1</sup>; 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.

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- 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 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.
- (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."

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- (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.
- D. The first meeting of the Commission shall be convened by the County Executive no later than 15 days after it is fully appointed/ for the purposes of receiving its charge and determining how a Chairperson will be selected. 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 of the Commission.**
- (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.



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- (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.
- E. 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 **and state law.**
- (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 a **minimum of three Geographically Diverse and duly noticed** public hearings, **one of which shall be in the County seat**, 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

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appropriate to comply with the adopted plan.

- F. 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.
- G. 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."

**SECTION 496. Article II Section C-11 K of the Ulster County Charter is REPEALED and a new Section C-11 is added to the Ulster County Charter to read as follows:**

- K. To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses and documents (including digital records and read only access to software licensed by or owned by the County or its component units), administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives; [Amended 8-14-2012 by L.L. No. 9-2012<sup>3</sup>]

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**SECTION 7. Article II Section C-12 of the Ulster County Charter is REPEALED and a new Section C-12 is added to the Ulster County Charter to read as follows:**

**§ C-12. Submission of enactments for executive approval; veto and veto override.**

- A. Except as otherwise provided by this Charter, every local law, legalizing act, or resolution adopted by the County Legislature, except legislative branch appointments not otherwise subject to County Executive approval and resolutions establishing rules and regulations or other matters pertaining solely to the conduct of the Legislature, shall be certified by the Clerk of the Legislature and submitted within five days after passage to the County Executive for the County Executive's approval ~~in writing~~ by **original signature**.

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- B. If the County Executive approves the local law or resolution, ~~he or she~~ they shall sign it and return it to the Clerk of the County Legislature; it shall then be deemed to have been adopted. If ~~he or she~~ the County Executive disapproves the local law or resolution, ~~they~~ ~~he or she~~ shall veto it by returning it within 10 days to the Clerk of the Legislature with ~~his or her~~ their objections stated in writing, or 30 days in the case of a local law. Any resolution not returned within 10 days, or 30 days in the case of a local law will be deemed to have been adopted. The Clerk of the Legislature shall present the local law or resolution with the County Executive's objections to the County Legislature at its next regular meeting, and these objections shall be entered in the Legislature's record, journal or minutes of proceedings.
- C. Within 30 days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least 2/3 of the whole number of its elected members on a roll-call vote.

**SECTION 68. Article II Section C-17 of the Ulster County Charter is REPEALED and a new Section C-17 is added to the Ulster County Charter to read as follows:**

**§ C-17. Organizational meeting.**

- A. The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday in January at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or ~~his or her~~ their inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk.
- B. At this organizational meeting, the members of the Legislature shall select a Chairman at the call of the Clerk of the Legislature in each year. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.
- C. In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman

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within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.

**SECTION 79. Article II Section C-20 of the Ulster County Charter is REPEALED and a new Section C-20 is added to the Ulster County Charter to read as follows:**

**§ C-20. Counsel to the Legislature; Minority Counsel.**

- A. Appointment. There shall be a Counsel to the Legislature who shall be appointed by the Chairman of the Legislature. At the time of ~~his or her~~**their** appointment, and throughout ~~his or her~~**their** term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. ~~He or she~~**They** shall be appointed on the basis of ~~their~~**his or her** legal experience and other qualifications for the responsibilities of this office. ~~They~~**He or she** shall be directly responsible to the Chairman of the Legislature and shall serve at the pleasure of the County Legislature.
- B. Duties. The Counsel to the Legislature shall prepare local laws, resolutions, legalizing acts or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairman of the Legislature.
- C. Minority Counsel. There shall also be a Minority Counsel who shall be an attorney at law licensed to practice law in the State of New York and who shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the Legislature. ~~He or she~~**They** shall be selected by that party's caucus and shall serve at the pleasure of said caucus. [**Amended 8-14-2012 by L.L. No. 9-2012<sup>8</sup>**]
- D. To advise the Legislature, the Legislature may retain Special Counsel where it deems it necessary notwithstanding the provisions of § C-72 of this County Charter. [**Added 8-14-2012 by L.L. No. 9-2012<sup>9</sup>**]

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SECTION **810**. Article II Section C-21 of the Ulster County Charter is REPEALED and a new Section C-21 is added to the Ulster County Charter to read as follows:

**§ C-21. Filling membership vacancies.**

**A.** Within three business days of a vacancy in the Legislature occurring, the Clerk of the Legislature shall submit legal notice of the vacancy to the official newspapers of the County and municipalities located in the district where such vacancy occurred for publication at the first practicable opportunity. Notice of said vacancy shall also be published on the County website and social media platforms.

~~A~~.B. A vacancy in the County Legislature shall be filled by appointment by the County Legislature of a qualified elector residing within the district no later than 30 days from the time at which the vacancy occurs. If the appointment is not made within 30 days, a special election shall be conducted to fill the vacancy within 90 days after the vacancy occurs; provided, however, that if there is a scheduled general election within 120 days after said vacancy occurs, the vacancy shall be filled at that general election. A person who fills a vacancy, if appointed or elected at a special election, shall serve until commencement of the calendar year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. A person elected at a general election to fill a vacancy shall serve out the remainder of the term for that seat.

SECTION **911**. Article III Section C-23 of the Ulster County Charter is REPEALED and a new Section C-23 is added to the Ulster County Charter to read as follows:

**§ 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 for at least four years prior to~~ the time of ~~his or her~~**their taking office** and shall remain a qualified elector of Ulster County throughout ~~his or her~~**their** 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.

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**SECTION ~~10~~12.** Article III Section C-24 of the Ulster County Charter is REPEALED and a new Section C-24 is added to the Ulster County Charter to read as follows:

**§ 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~~their election.
- B. No person shall serve as County Executive for more than three full terms, unless ~~he or she~~ ~~has~~they have 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 ~~their~~his or her first full term of office after the effective date hereof.

**SECTION ~~11~~13.** Article III Section C-25 of the Ulster County Charter is REPEALED and a new Section C-25 is added to the Ulster County Charter to read as follows:

**§ 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~~they 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 **of the Legislature** 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~~their office unless confirmation by the

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County Legislature shall have been filed by the Clerk of the Legislature in the offices of both the County Clerk and the Clerk of the Legislature; [Amended 8-14-2012 by L.L. No. 9-2012<sup>10</sup>]

- 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~~ ~~them~~ in the exercise of ~~his or her~~ ~~their~~ executive functions and in the planning, formulation and administration of executive ~~policies~~ **procedures** 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~~ **Themselves** 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

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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 \$50,000 and, with the approval of the County Legislature, all contracts in excess of \$50,000;
- N. Approve or disapprove in writing **by original signature** 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~~ **the County Executive** may deem appropriate.
- P. To conduct studies and investigations in furtherance of ~~his or her~~ **their** executive 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. 9-2012<sup>11</sup>]**

**SECTION ~~12~~14. Article III Section C-26 of the Ulster County Charter is REPEALED and a new Section C-26 is added to the Ulster County Charter to read as follows:**

**§ 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~~ **their** pleasure during ~~his or her~~ **their** 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. 9-2012<sup>12</sup>]**



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- C. All appointments, whether or not subject to confirmation of the County Legislature, shall be in writing, ~~signed with original signature~~ 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~~their successor is appointed and has qualified, or until an interim appointment is made. **The County Executive shall notify the Legislature, in writing, within ten (10) days from the date a vacancy occurs in any position appointed by the County Executive, pursuant to this Section.**
- 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- 2012<sup>13</sup>]**
- 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~~themselves as the head of one or more administrative units or departments, subject to all requirements in this Charter and/or law as to qualifications.

**SECTION ~~13~~15. Article III Section C-27 of the Ulster County Charter is REPEALED and a new Section C-27 is added to the Ulster County Charter to read as follows:**

**§ C-27. Deputy County Executive(s).**

The County Executive may appoint or designate one or more Deputy County Executive(s),

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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 have the authority to act generally for and in place of the County Executive. **Any Deputy County Executive shall be a qualified elector of Ulster County or shall become a qualified elector of Ulster County within one year from the date of appointment.**

**SECTION ~~1416~~. Article III Section C-28 of the Ulster County Charter is REPEALED and a new Section C-28 is added to the Ulster County Charter to read as follows:**

**§ 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~~ they desires thereon by the County Executive. The decision of the County Executive shall be final.

**SECTION ~~1517~~. Article III Section C-29 of the Ulster County Charter is REPEALED and a new Section C-29 is added to the Ulster County Charter to read as follows:**

**§ C-29. Acting County Executive. [Amended 8-14-2012 by L.L. No. 9-2012<sup>14</sup>]**

- 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~~ **the County Executive** resigns, dies or certifies in writing and files with the County Clerk a statement that **the County Executive** ~~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~~ **their** inability to serve is certified by qualified and competent medical authority.

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1. Procedure For Designating Order of Succession. Upon taking office, every new County Executive shall file a letter with the name of two persons in order of succession to serve as Acting County Executive which letter shall take effect immediately and shall continue in effect until superseded by Legislative approval of a formal order of succession.
2. Within 10 days of the County Executive taking office, the County Executive shall submit to the Clerk of the Legislature such proposed formal order of succession for Legislative approval. Such order may be modified from time to time subject to confirmation by the Legislature.

- B. ~~Only persons incumbent in County government may be designated to any list of succession for possible service as Acting County Executive~~ **a person who is a qualified elector of Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Executive and shall remain a qualified elector throughout the term of office.**
- C. If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under § C-29A as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections D, E and F of this section. Should the person designated as the first successor be unable to perform and/or exercise the duties of the office, then the person next designated under § C-29A shall become the Acting County Executive.
- D. If the vacancy in the office of the County Executive occurs ~~more than 180~~ **on or prior to 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the next general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy** ~~the vacancy~~ the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than 90 days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing 30 days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots,

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voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on the date of a ~~primary election or the next general~~ election.

- E. If said vacancy ~~occurs after 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the general election held next thereafter.~~ ~~may be filled by a general election to be held no more than 180 days after the vacancy occurs, then no special election shall be held, and the vacancy shall be filled by a general election.~~ The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the ~~vacancy~~ election.
- ~~G.F.~~ At any time during the remainder of the term for which a County Executive was elected after ~~he or she was~~ they were 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~~ they have not been replaced at a special or general election.
- G. The Acting County Executive shall have all the powers and perform all the duties of the County Executive. **The Acting County Executive shall hold no other elected public office or full-time employment and shall devote full time to the duties of the office.**

**SECTION ~~1618~~. Article IV Section C-32 of the Ulster County Charter is REPEALED and a new Section C-32 is added to the Ulster County Charter to read as follows:**

**§ 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~~ their 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.

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SECTION ~~17~~19. Article IV Section C-33 of the Ulster County Charter is REPEALED and a new Section C-33 is added to the Ulster County Charter to read as follows:

**§ 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~~them, 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 submitted to the Clerk of the Legislature ~~and the Comptroller~~

**upon the proposal of the executive budget.** 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.

SECTION ~~18~~20. Article IV Section C-34 of the Ulster County Charter is REPEALED and a new Section C-34 is added to the Ulster County Charter to read as follows:

~~§ C 10. Commission on Reapportionment (Redistricting). [Amended 8-14-2012 by L.L. No. 9-2012<sup>1</sup>, 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~~

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~~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.A.** 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.A.** 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.~~

~~(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)(1) 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~~

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~~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)(1) 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)(1) 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)(1) 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.~~

~~D.A. The first meeting of the Commission shall be convened by the County Executive no later than 15 days after it is fully appointed/ for the purposes of receiving its charge and determining how a Chairperson will be selected. 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~~

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~~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 of the Commission.~~

~~(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)(a) \_\_\_\_\_ 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)(1) \_\_\_\_\_ 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.~~

~~E.A. 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 § 22 of Municipal Home Rule Law. The Commission shall be guided by the criteria set forth in § C 10A of the County Charter and state law.~~

~~(2)(1) \_\_\_\_\_ To the maximum extent practicable, each of the 23 single member legislative~~



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~~districts shall be created, taking into consideration § C 10A of this Charter.~~

- ~~(3)(1) The Commission shall hold one or more a minimum of three Geographically Diverse and duly noticed public hearings, one of which shall be in the County seat, 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)(1) 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)(1) 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)(1) The Ulster County Board of Elections shall make adjustments as may be necessary and appropriate to comply with the adopted plan.~~

~~F.A. 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.~~

~~G.A. 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."~~

**SECTION 19. Article II Section C 11 K of the Ulster County Charter is REPEALED and a new Section C 11 is added to the Ulster County Charter to read as follows:**

~~K. To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses and documents (including digital records and read only access to software licensed by or owned by the County or its component units), administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives; [Amended 8 14 2012 by L.L. No. 9 2012<sup>3</sup>]~~

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~~SECTION 20. Article II Section C-12 of the Ulster County Charter is REPEALED and a new Section C-12 is added to the Ulster County Charter to read as follows:~~

**§ 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 County 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 three completed fiscal years, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the proposed County budget, prepared in a format that facilitates year-to-year comparison. The proposed County budget shall present the complete financial plan for the County and its agencies for the next ensuing fiscal year, including setting forth proposed borrowing, if any. An estimate of unencumbered balances at the end of each completed fiscal year, except when otherwise provided by law or appropriated for a capital improvement or other authorized continuing project, shall be treated as revenue for the County budget for the next ensuing fiscal year.
- C. **The proposed County budget shall include economic and revenue forecasting to provide guidance on the current conditions in, and probable outlook for the performance of, the economy of the state and county, as well as the effect of such conditions and such performance on county receipts. The forecasting shall speak to expected tax receipts on an all-funds basis and anticipated miscellaneous receipts to be received in the general fund.**

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**SECTION 21. Article IV Section C-35 of the Ulster County Charter is REPEALED and a new Section C-35 is added to the Ulster County Charter to read as follows:**

**§ 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~~ they 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.

**SECTION 22. Article IV Section C-37 of the Ulster County Charter is REPEALED and a new Section C-37 is added to the Ulster County Charter to read as follows:**

**§ C-37. Public hearings on County budget.**

Beginning no later than the third Friday of November of each year, the Legislature **or a standing Legislative committee designated by the Legislature**, shall hold, in at least three **Geographically Diverse** 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

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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.

**SECTION 23. Article IV Section C-38 of the Ulster County Charter is REPEALED and a new Section C-38 is added to the Ulster County Charter to read as follows:**

**§ 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~~ they shall affix ~~his or her~~ **their original** signature to a statement thereof and return the County

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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~~ their objections within five working days after presentation by the Clerk **of the Legislature** 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~~ ~~her~~ their 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 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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SECTION 24. Article IV Section C-40 of the Ulster County Charter is REPEALED and a new Section C-40 is added to the Ulster County Charter to read as follows:

**§ 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~~ they 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 or **increase** 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~~ their 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

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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.

**SECTION 25. Article V Section C-41 of the Ulster County Charter is REPEALED and a new Section C-41 is added to the Ulster County Charter to read as follows:**

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

- A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. ~~In addition, he or she shall be a licensed physician with experience in public health. He or she~~They shall be appointed by the County Executive in consultation with the Board of Health and ~~with subject to~~ confirmation by the County Legislature and serve at ~~his~~ ~~or her~~ the County Executive's pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~they may only be removed for cause after written notice of charges and an opportunity to be heard.

- B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. ~~He or she~~They shall perform such other and related duties required by the County Executive ~~or County Legislature, and shall be vested with authority, direction and control over the Department of Health, including power to appoint and remove officers and employees within the department.~~

**SECTION 26. Article V Section C-43 of the Ulster County Charter is REPEALED and a new Section C-43 is added to the Ulster County Charter to read as follows:**

**§ C-43. Medical Examiner.**

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s),

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accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. They shall be a physician duly licensed to practice ~~his or her~~ **their** profession in the State of New York and shall:

- A. Be trained to investigate causes of death and order autopsies;
- B. Conduct community education as prescribed by the New York State Department of Health.

**SECTION 27. Article VI Section C-44 of the Ulster County Charter is REPEALED and a new Section C-44 is added to the Ulster County Charter to read as follows:**

**§ C-44. Commissioner of Mental Health.**

- A. There shall be a Department of Mental Health, headed by a Commissioner of Mental Health. The Commissioner of Mental Health shall be experienced in public mental health administration and meet the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. ~~He or she~~ **They** shall be appointed by the County Executive in consultation with the Community Services Board and ~~with~~ **subject to** confirmation by the County Legislature and serve at ~~his or her~~ **the County Executive's** pleasure.
- B. Powers and duties. Except as otherwise provided in the Charter, the Commissioner of Mental Health shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law. ~~He or she~~ **They** shall perform such other and related duties required by the County Executive **or Legislature, and shall be vested with authority, direction and control over the Department of Mental Health, including power to appoint and remove officers and employees within the department.**

**SECTION 28. Article VI Section C-45 of the Ulster County Charter is REPEALED and a new Section C-45 is added to the Ulster County Charter to read as follows:**



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**§ C-45. Community Services Board.**

There shall be a Community Services Board of 15 members who have demonstrated interest in behavioral health services, one member of whom must be a licensed physician and one of whom must be a licensed physician or licensed psychologist. There shall be ~~disability subcommittees of nine members each, three members of whom must also be currently serving Community Service Board members~~ **separate subcommittees for mental health, developmental disabilities, and substance abuse. The number of members comprising each subcommittee shall be set pursuant to Section 41 of New York State Mental Hygiene Law and shall include at least three currently serving Community Service Board members.**, Members of the subcommittees shall be appointed by the County Executive after consideration of the recommendations of the Community Services Board for terms of four years, subject to confirmation by the Legislature. No Board member or subcommittee member shall serve more than ~~eight~~ **twelve** years. The Chair of the Community Services Board shall be selected by the members of the Board for a term of one year.

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

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SECTION 29. Article VII Section C-46 of the Ulster County Charter is REPEALED and a new Section C-46 is added to the Ulster County Charter to read as follows:

**§ C-46. Appointment of Director of Planning.**

There shall be a Department of Planning, headed by a Director of Planning. The County Executive shall appoint the Director of Planning, subject to confirmation by the Legislature.

**The Planning Board shall be empowered to nominate up to 5 persons for recommended appointment as Director of Planning. The Planning Board shall nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. Such nominations must be submitted to the County Executive within 90 days of the occurrence of a vacancy.**

The Director of Planning shall be appointed on the basis of their professional training and experience and other qualifications for the responsibilities of that office. The Director of Planning shall possess at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. The Director of Planning shall serve at the pleasure of the County Executive.

SECTION 30. Article VII Section C-47 of the Ulster County Charter is REPEALED and a new Section C-47 is added to the Ulster County Charter to read as follows:

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

Except as may otherwise be provided in this Charter, the County Director of Planning and Planning Board shall have all the powers and perform all the duties conferred and/ or imposed in the Charter, state law or the County Administrative Code upon a county director of planning or a county planning board. The Director of Planning and/or the County Planning Board shall perform such other and related duties as required by the County Executive or County Legislature **and shall be vested with authority, direction and control over the Department of Planning, including power to appoint and remove officers and employees within the department.** ~~Other~~ ~~These~~ powers and duties shall include, but not be limited to:

- A. Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;
- B. Preparing and maintaining a comprehensive plan and annual planning program for the County as set forth in § C-52 of this article and attendant provisions of the Administrative Code;

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- C. Assisting in the preparation of a capital improvement program as may be set forth in this Charter and attendant provisions of the Administrative Code;
- D. Exercising the powers of review and approval over land use pursuant to § C-51 of this article and attendant provisions of the Administrative Code;
- E. Making available, within constraints of available resources, the professional staff of the Department of Planning for advice regarding planning to the City of Kingston and the towns and villages within the County;
- F. Maintaining basic data on the County's population, land use, housing, environmental status, human and natural resources and other such matters and performing studies, analysis, plans and recommendations as may be necessary in the exercise of the powers and performance of the duties set forth in this article; and
- G. Acting as host board with regard to the Ulster County Transportation Council.

**SECTION 31. Article VII Section C-48 of the Ulster County Charter is REPEALED and a new Section C-48 is added to the Ulster County Charter to read as follows:**

**§ C-48. Additional duties of Director of Planning.**

The Director of Planning shall:

- A. Exercise the duties and responsibilities accorded ~~him or her~~ them under the bylaws adopted by the County Planning Board;
- B. Serve ex officio on the County Environmental Management Council;
- C. Serve ex officio on the County Agricultural Farmland Protection Board; and
- D. Act as liaison between County agencies and nonprofit bodies involved in economic and community development for which the County provides funding.

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**SECTION 32. Article VII Section C-49 of the Ulster County Charter is REPEALED and a new Section C-49 is added to the Ulster County Charter to read as follows:**

**§ C-49. County Planning Board.**

- A. There shall be a County Planning Board consisting of 25 members and associated alternate members. Members and their alternates shall be appointed by the County Legislature to serve for four-year terms. The Town Board or Village Board of each town and village in Ulster County shall recommend for consideration and appointment by the Legislature one person and one alternate from that town or village. The City of Kingston shall recommend for consideration and appointment by the Legislature two persons and two alternates from that city. The County Commissioner of Finance, the Commissioner of Public Works, and the Chairman of the Environmental Management Council shall serve ex officio but shall not have voting rights. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment. The Chairman of the Planning Board shall be selected by the Board from among members nominated by the city, towns, and villages and shall serve a one-year term. If the number of municipalities in Ulster County is reduced or increased, the membership of this

Board shall be concomitantly reduced or increased, with members proposed and appointed in the manner described in this section.

- B. An alternate member shall have the right to vote only on the occasion of absence, conflict of interest, or required abstention under law of the member for whom ~~he or she~~**they** serves as alternate.
- C. Continuation of Board.
- (1) The terms of existing County Planning Board members shall remain in effect until such time as the member is either reappointed or the term of the member ends; and
  - (2) The term of office of each member of the Ulster County Planning Board, so appointed, shall be for a period of four years and the appointment of a successor to any member of the said County Planning Board shall also be for a term of four years, except that an appointment to fill a vacancy in the office of a member of said County Planning Board occurring by reason of death, resignation or other cause shall be made for the unexpired term of said office.
- D. The members of the Planning Board shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available for this purpose. The Planning

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Board may adopt, by a majority vote of its total membership, such additional rules and procedures as are necessary for the efficient and orderly conduct of its business.

**SECTION 33. Article VII Section C-50 of the Ulster County Charter is REPEALED and a new Section C-50 is added to the Ulster County Charter to read as follows:**

**§ C-50. Additional powers and duties of Planning Board.**

- A. To consult with and advise the Director of Planning in the performance of ~~his or her~~ their duties.
- B. To review the capital improvement program ~~prepared by the Department of Planning~~ and guidelines for its preparation; to make written recommendations to the County Executive and the County Legislature on all capital projects contained in the program and on the priority of capital projects in the first year of the program; and to review and make written recommendations on any capital project additions to the capital improvement program or capital budget.
- C. To review the Comprehensive Plan and to submit its recommendations on it to the County Executive **and the County Legislature**, and to make recommendations on any proposed amendments to that plan prior to action being taken on such amendments by the County government and to review procedural guidelines for the coordination and preparation of the Comprehensive Plan and annual planning program.
- D. To conduct studies and review County policies and standards for inclusion in the Comprehensive Plan and to make recommendations regarding such policies and standards to the County Executive and Legislature as it sees fit.
- E. To have all the powers and duties assigned to a county planning board under Article 12-B of the General Municipal Law. **In the event the County Planning Board is unable to fulfill the powers and duties of review of a particular municipal referral due to lack of quorum or inability to convene a timely meeting, the Director of Planning shall be authorized to review proposed actions referenced for inter-community or county-wide considerations subject to the provisions assigned under Sections 239-l, 239-m, and 239- n of Article 12-B**

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**SECTION 34. Article VII Section C-51 of the Ulster County Charter is REPEALED and a new Section C-51 is added to the Ulster County Charter to read as follows:**

**§ C-51. Review and approval over land use.**

- A. Review of land use and subdivisions. Except as may otherwise be provided in this Charter, the County Planning Board shall possess, exercise and perform all of the powers, functions and duties granted to and imposed upon a County Planning Board under and pursuant to Article 12-B of General Municipal Law as the same may be amended from time to time.
- B. Advisory review on land use. The County Planning Board shall have the power to review, with the right to render advisory reports only, over land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B.
- C. Advisory reviews on actions by County departments and other County agencies. Before adopting any final plans, policies or standards on services or capital facilities and before making any recommendation to the County Legislature on any such plans, policies or standards, on the acquisition or sale of land, on major changes in the use of land or on site plans for any County building or buildings, the respective County department or other County agencies shall refer

such proposals to the Director of Planning for a written report of ~~his or her~~**their** recommendations. The Director of Planning shall prepare and submit ~~his or her~~**their** recommendation to the respective department and the County Executive.

**SECTION 35. Paragraphs A and B of Article VIII Section C-53 of the Ulster County Charter is REPEALED and new Paragraphs A and B of Section C-53 are added to the Ulster County Charter to read as follows:**

**§ C-53. Commissioner of Finance.**

- A. There shall be a Department of Finance under the direction of a Commissioner of Finance. The Commissioner of Finance shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. ~~He or she~~**They** shall be appointed on the basis of ~~his or her~~**their** experience and qualifications in financial administration and other specified duties of this office and shall be directly responsible to the County Executive. **The Commissioner of Finance shall hold no other elected public office or compensated employment and shall devote full working time to the duties of the office. The**

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**Commissioner of Finance must be free from any conflicts of interest, must be capable of providing objective and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties.**

- B. Powers and duties. The Commissioner of Finance shall **be vested with authority, direction and control over the Department of Finance, have the power to appoint and remove officers therein, and:**
- (1) Have charge of the administration of all the financial affairs of the County;
  - (2) Collect, receive, have custody of, deposit and disburse all revenues, fees and other funds of the County or for which the County is responsible;
  - (3) Act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York;
  - (4) Have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Procedure Act of the State of New York, except that any and all fees received in the performance of such duties shall be the property of the County of Ulster;
  - (5) Perform all duties specified in law for County treasurers or other County officers relating to the collection of taxes;
    - (6) **Act as the enforcing officer of the County for the purpose of the collection of the County's occupancy tax;**
  - (7) Submit a complete statement of County finance to the County Executive and the County Legislature on or before the first day of ~~March~~ **May** and at such other times as either may require; **[Amended 8-14-2012 by L.L. No. 9-2012<sup>15</sup>]**
  - (8) Have all the powers and perform all the duties conferred or imposed by law upon a County Commissioner of Finance and perform such other duties required by the County Executive or County Legislature; **[Amended 8-14-2012 by L.L. No. 9-2012<sup>16</sup>]**
  - 9) Be the chief accounting officer of the County; and **[Added 8-14-2012 by L.L. No. 9-2012<sup>17</sup>]**
  - (10) Maintain the financial books and records **and perform bank reconciliations** for all units of County government unless otherwise required by law; and. **[Added 8-14-2012 by L.L. No. 9-2012<sup>18</sup>]**
  - (11) **Ensure proper segregation of duties within financial procedures.**

**SECTION 36. Article VIII Section C-54 of the Ulster County Charter is REPEALED and a new Section C-54 is added to the Ulster County Charter to read as follows:**

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C-54. Reserved.

**SECTION 37. Article VIII Section C-55 of the Ulster County Charter is REPEALED and a new Section C-55 is added to the Ulster County Charter to read as follows:**

**§ C-55. Deputy Commissioners and staff.**

The Commissioner of Finance, subject to approval by the County Executive, shall designate in writing, and in order of succession, the deputies and/or assistants who shall be Acting Commissioner of Finance in the event of ~~his or her~~**their** absence from the County or inability to perform and exercise the powers and duties of ~~his or her~~**their** office. That designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession. The Acting Commissioner of Finance shall have all the powers and perform all the duties of the Commissioner.

**SECTION 38. Article IX Section C-57 of the Ulster County Charter is REPEALED and a new Section C-57 is added to the Ulster County Charter to read as follows:**

**§ C-57. Powers and duties. [Amended 8-14-2012 by L.L. No. 9-2012<sup>19</sup>]**

The Comptroller shall be the chief auditing officer of the County **and be vested with authority, direction and control over the department.** Except as may otherwise be provided

in this Charter ~~he or she~~**they** shall:

A. Examine, audit, and verify all books, records, and accounts kept by the administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except where precluded by law. **The Comptroller shall have read-only access to all software systems of the County, except where precluded by law.** ~~The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1 of each year.~~**The Comptroller shall use risk**



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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;

- B. Procure from the depositories **and investments** with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and ~~reconcile such statements with the County accounts~~ **review bank reconciliations as prepared by the Commissioner of Finance. The Comptroller shall be authorized to have read-only access to all County accounts and shall be provided access to all such accounts at all times.;**
- C. Audit records of appropriations, encumbrances, ~~and~~ expenditures, **and revenues**, and prescribe generally accepted government accounting methods to be used by all units of County government, unless otherwise required by the State Comptroller;
- D. Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;
- E. Prescribe the form for records of appropriation, encumbrances, journal entries, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;
- F. Audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;
- G. As ~~he or she~~ **they** determines necessary or appropriate, audit any department, program, ~~or~~ function, **public benefit corporations, or component units** of County government to assess the degree to which its operation is economical, efficient and/or effective;
- H. To conduct studies and investigations in furtherance of ~~his or her~~ **their** functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses **and documents, including digital records and access to software licensed by or owned by the County**, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to

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such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;

- I. Submit to the County Legislature and Executive, and post on the County website as frequently as ~~he or she~~they deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed;
- J. Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties ~~required~~ **requested** by the County Executive or County Legislature.

**SECTION 39. Article IX Section C-58 of the Ulster County Charter is REPEALED and a new Section C-58 is added to the Ulster County Charter to read as follows:**

**§ C-58. Deputy Comptrollers and staff.**

The Comptroller shall have the power to appoint **and remove** such Deputy Comptrollers, assistants and employees in ~~his or her~~the **Comptroller's** office as shall be authorized by the County Legislature. All such appointees shall be qualified by education and/or experience and shall be directly responsible to, and serve at the pleasure of, the Comptroller, subject to applicable law. **Any Deputy Comptroller shall be a qualified elector of Ulster County or shall become a qualified elector of Ulster County no later than one year from the date of appointment as such.**

**SECTION 40. Article IX Section C-60 of the Ulster County Charter is REPEALED and a new Section C-60 is added to the Ulster County Charter to read as follows:**

**§ C-60. Vacancy. [Amended 8-14-2012 by L.L. No. 9-2012<sup>20</sup>]**

- 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.**

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- 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 next general election held thereafter.
- 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 January.

**SECTION 41. Article XI Section C-62 of the Ulster County Charter is REPEALED and a new Section C-62 is added to the Ulster County Charter to read as follows:**

**§ C-62. Commissioner of Social Services.**

- A.** There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. ~~He or she~~**They** shall be appointed on the basis of ~~his or her~~**their** professional experience and other qualifications for the responsibilities of ~~his or her~~**their** office. ~~He or she~~**They** shall be directly responsible to and serve at the pleasure of the County Executive, except that if the Commissioner of Social Services is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~**they** may only be removed for cause, after written notice of charges and an opportunity to be heard.
- B.** Powers and duties. Except as may otherwise be provided in the Charter, the Commissioner shall manage and/or supervise all social services ~~institutions~~ programs and facilities owned or operated by the County. In addition, ~~he or she~~**they** shall have all the powers and perform all the duties conferred or imposed by the State Social Services Law or any other law upon a county commissioner of social services and perform such other related duties required by the County Executive or County Legislature.

**SECTION 42. Article XII Section C-63 of the Ulster County Charter is REPEALED and a new Section C-63 is added to the Ulster County Charter to read as follows:**

**C-63. Commissioner of Public Works.**

- A.** There shall be a Department of Public Works headed by a Commissioner of Public Works who

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shall be appointed on the basis of his or her their experience and qualifications for office by the County Executive to serve at his or her their pleasure, subject to the confirmation by the County Legislature.

B. Powers and duties. Except as otherwise provided in this Charter, the Administrative Code or state law, the Commissioner of Public Works shall:

- (1) Have all powers and duties of a county engineer and a county superintendent of highways, pursuant to the Highway Law or other applicable law;
- (2) Have such powers and duties in relation to County facilities for drainage, flood control, sanitation, sewage, or water supply as may be prescribed by the County Legislature;
- (3) Furnish engineering and other services to the County Legislature, County Executive, the Department of Planning and other County departments as authorized;
- (4) Have charge of and have the duty of performing such other functions concerning County real and personal property, public works and other matters as the County Executive and Legislature may, from time to time, direct;
- (5) Have charge and supervision of routine maintenance of equipment, repair and storage buildings and facilities used by the Department, including highway substations, and all parking areas serving these facilities;
- (6) Have charge and supervision of the design, construction and alteration of the County buildings, parking fields and lots, drives, walks, preserves, beaches, and other public structures and

facilities under the jurisdiction of the County;

- (7) Have charge and supervision of maintenance, repair and alteration of buildings owned or leased by the County, parking fields and lots, drives, walks, preserves, beaches and other public structures and facilities under the jurisdiction of the County, including custodial care; and
- (8) Except as otherwise provided in this Charter and subject to the requirements of state law, have the authority, **direction and control over the Department of Public Works, including the power** to appoint and remove all officers and employees of the ~~d~~Department. ~~of Public Works.~~

**SECTION 43. Article XII Section C-64 of the Ulster County Charter is REPEALED and a new Section C-64 is added to the Ulster County Charter to read as follows:**

**§ C-64. Acting Commissioner of Public Works.**

- A. Subject to approval by the County Executive, the Commissioner of Public Works shall specify in writing, and in order of succession, the Deputy Commissioner or Deputy Commissioners

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and/or other assistants who shall be Acting Commissioner of Public Works in the event of ~~his or her~~their absence from the County or inability to perform and exercise the powers and duties of ~~his or her~~their office. This specification shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession.

- B. The designated Deputy Commissioner of Public Works shall be Acting Commissioner of Public Works in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of the office for no more than 30 days. If the absence or inability of the Commissioner of Public Works shall extend for over 30 days or in the event there is no designated deputy, an Acting Commissioner of Public Works shall be appointed by the County Executive, subject to the County Legislature's confirmation, for a period not to exceed a total of 180 days in addition to the initial thirty-day period, or for the entire two-hundred-ten-day period as appropriate. If the inability of the Commissioner of Public Works shall extend over 210 days, the County Executive, subject to County Legislature confirmation, shall appoint a Commissioner of Public Works. An Acting Commissioner of Public Works shall file ~~his or her~~their designation and oath of office as such with the County Clerk.
- C. An Acting Commissioner of Public Works shall have all the powers and duties of the Commissioner during the period of ~~his or her~~their designation and until ~~his or her~~their successor shall be appointed and qualified under this section or until a new Commissioner of Public Works is appointed and qualified pursuant to law.

**SECTION 44. Article XII Section C-65 of the Ulster County Charter is REPEALED and a new Section C-65 is added to the Ulster County Charter to read as follows:**

**§ C-65. Engineering Division.**

There shall be an Engineering Division within the Department of Public Works staffed by licensed mechanical and structural engineers, responsible to the Commissioner of

Public Works and under ~~his or her~~their supervision, charged with planning, supervision and oversight of construction and rehabilitation projects for all County highways, structures, water, sewer and flood control projects and other County facilities.

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**SECTION 45. Article XIII Section C-67 of the Ulster County Charter is REPEALED and a new Section C-67 is added to the Ulster County Charter to read as follows:**

**C-67. Director of Public Transportation.**

- A. There shall be a Department of Public Transportation, headed by a Director who shall be appointed by the County Executive, on the basis of ~~his or her~~**their** experience and qualifications for office to serve at the pleasure of the County Executive, subject to confirmation by the County Legislature.
- B. Powers and duties. The Director of Public Transportation shall **have authority, direction and control over the department, including power to appoint and remove officers and employees within the department, as well as:**
- (1) Operate and manage a bus transit system, hereinafter referred to as the "Ulster County Area Transit System," for the County of Ulster;
  - (2) Develop and maintain liaison with other governments, County government agencies, not-for-profit organizations and private carriers regarding the financing, planning, coordination and delivery of transit services to County residents;
  - (3) Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property relating to the Ulster County Area Transit System; and
  - (4) Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.

**SECTION 46. Article XIV Section C-70 of the Ulster County Charter is REPEALED and a new Section C-70 is added to the Ulster County Charter to read as follows:**

**§ C-70. Powers and duties.**

The County Attorney shall **have authority, direction and control over the department, including power to appoint and remove officers and employees within the County Attorney's Office, as well as:**

- A. Be the sole legal advisor for the County;
- B. Advise all County officers, departments, agencies and units in all County legal matters of a civil nature;

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- C. Prosecute or defend all actions or proceedings of a civil nature brought by or against the County;
- D. Prepare all necessary legal papers and instruments pertaining to the County government, exclusive of the preparation of local laws, resolutions, legalizing acts or other legislation or memoranda and opinions in support thereof, which fall within the purview of the Counsel to the Legislature; and
- E. Have all the powers and perform all the duties conferred or imposed by law upon a county attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

**SECTION 47. Article XV Section C-73 of the Ulster County Charter is REPEALED and a new Section C-73 is added to the Ulster County Charter to read as follows:**

**§ C-73. Director of Information Services.**

- A. There shall be a Department of Information Services under the direction of the Director of Information Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at ~~his or her~~**their** pleasure. The Director of Information Services shall be appointed on the basis of ~~his or her~~**their** professional training and experience and other qualifications for the responsibilities of that office.
- B. Powers and duties. The Director of Information Services shall be the chief administrative officer of the Department. Except as may otherwise be provided in this Charter, ~~he or she~~**they** shall have all the powers and perform all the duties conferred or imposed by law upon a county director of information services, **have authority, direction and control over the Department of Information Services, have power to appoint and remove officers and employees therein**, and shall perform such other related duties required by the County Executive or County Legislature.

**SECTION 48. Article XVI Section C-74 of the Ulster County Charter is REPEALED and a new Section C-74 is added to the Ulster County Charter to read as follows:**

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**§ C-74. Director of Purchasing.**

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

**SECTION 49. Article XVII Section C-75 of the Ulster County Charter is REPEALED and a new Section C-75 is added to the Ulster County Charter to read as follows:**

**§ C-75. Director of Economic Development.**

- A. There shall be a Department of Economic Development under the direction of the Director of Economic Development, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director of Economic Development shall be appointed on the basis of ~~his or her~~**their** professional training and experience and other qualifications for the responsibilities of that office.
- B. Powers and duties. The Director of Economic Development shall be the chief administrative officer of the Department. Except as may otherwise be provided in this Charter, ~~he or she~~**they** shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon ~~him or her~~**them**, **have authority, direction and control over the Department of Economic Development, have power to appoint and remove officers and employees therein**, and shall perform such other related duties as directed by the County Executive or as



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appropriated by the County Legislature.

**SECTION 50. Article XVIII Section C-77 of the Ulster County Charter is REPEALED and a new Section C-77 is added to the Ulster County Charter to read as follows:**

**§ C-77. Public Defender.**

- A. There shall be a Department of Public Defender under the direction of a Public Defender, who shall be appointed by the County Executive subject to confirmation by the County Legislature and serve at ~~his or her~~ **the County Executive's** pleasure. At the time of ~~his or her~~ **their** appointment, the person appointed as Public Defender shall have been duly admitted to the practice of law in this state for at least five years, and throughout ~~his or her~~ **their** term of office, the Public Defender shall be and remain duly licensed and entitled to practice law in the State of New York. ~~He or she~~ **They** shall be appointed on the basis of ~~his or her~~ **their** legal experience and other qualifications for the responsibilities of his office and devote ~~his or her~~ **their** full working time to the duties of the office.
- (1) The Public Defender shall **have authority, direction and control over the Department of the Public Defender, and shall:**
  - (2) Provide legal representation, without charge, as directed by a court of appropriate jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime, or who are entitled to assigned counsel pursuant to the Family Court Act or other statutory provision;
  - (3) Except as otherwise provided in this Charter, have all the powers and perform all the duties conferred or imposed by law upon ~~his or her~~ **their** office; and
  - (4) Perform such other and related duties required by the County Executive or County Legislature.

**SECTION 51. Article XVIII Section C-78 of the Ulster County Charter is REPEALED and a new Section C-78 is added to the Ulster County Charter to read as follows:**

**§ C-78. Deputy and Assistant Public Defenders and staff.**

The Public Defender shall have the power to appoint such Deputy and Assistant Public Defenders, investigators and employees of ~~his or her~~ **their** Department as shall be authorized by the County Legislature. At the times of their appointments, and throughout their terms of office, all Deputy and Assistant Public Defenders shall be and remain duly licensed and entitled

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to practice law in the State of New York. All Deputy and Assistant Public Defenders, investigators and employees of the Department shall be directly responsible to, and serve at the pleasure of, the Public Defender, except as otherwise provided by the Charter, Administrative Code or applicable law.

**SECTION 52. Article XVIII Section C-79 of the Ulster County Charter is REPEALED and a new Section C-79 is added to the Ulster County Charter to read as follows:**

**§ C-79. Acting Public Defender.**

The Public Defender, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant Public Defenders who shall be Acting Public Defender in the event of ~~his or her~~ **the Public Defender's** absence from the County or inability to perform and exercise the powers and duties of ~~his or her~~ **their** office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Public Defender filing an approved new written designation and order of succession. The Acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

**SECTION 53. Article XIX Section C-81 of the Ulster County Charter is REPEALED and a new Section C-81 is added to the Ulster County Charter to read as follows:**

**§ C-81. Election and qualifications.**

There shall be a County Clerk who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following ~~his or her~~ **their** election. The County Clerk, at the time of ~~his or her~~ **their** election and at all times during ~~his or her~~ **their** term of office, shall be a qualified elector of the County and shall devote ~~his or her~~ **their** full working time to the duties of the office.

**SECTION 54. Article XIX Section C-82 of the Ulster County Charter is REPEALED and a new Section C-82 is added to the Ulster County Charter to read as follows:**

**§ C-82. Powers and duties.**

The County Clerk shall:

- A. Have and exercise all powers and duties conferred or imposed upon ~~him or her~~ **them** by law and

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perform such other and related duties required by the County Executive or the Legislature;

- B. Appoint such deputies, officers and employees of the Department as may be authorized by resolution of the County Legislature; and
- C. Serve as the County's records management officer, or such successor office as may be established under state law, with all powers and duties of such office, and in this capacity provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature.

**SECTION 55. Article XIX Section C-83 of the Ulster County Charter is REPEALED and a new Section C-83 is added to the Ulster County Charter to read as follows:**

**§ C-83. Election and qualifications.**

There shall be a Sheriff who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following ~~his or her~~their election. The Sheriff, at all times during ~~his or her~~their term of office, shall be a qualified elector of the County and shall devote ~~his or her~~their full working time to

the duties of the office.

**SECTION 56. Article XX Section C-84 of the Ulster County Charter is REPEALED and a new Section C-84 is added to the Ulster County Charter to read as follows:**

**§ C-84. Powers and duties.**

The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature, or order or direction of the County Executive, not inconsistent with those powers and duties vested in ~~his or her~~their office under the laws and constitution of New York State.

**SECTION 57. Article XX Section C-85 of the Ulster County Charter is REPEALED and a new Section C-85 is added to the Ulster County Charter to read as follows:**

**§ C-85. Undersheriff.**

Within 10 days after entering upon the duties of the office, the Sheriff shall appoint

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an Undersheriff to serve at the pleasure of the Sheriff as provided by law. The Undersheriff, at all times during ~~his or her~~ their term of office, shall be a qualified elector of the County and shall devote ~~his or her~~ their full working time to the duties of the office.

**SECTION 58. Article XXI Section C-87 of the Ulster County Charter is REPEALED and a new Section C-87 is added to the Ulster County Charter to read as follows:**

**§ C-87. Election and qualification.**

There shall be a District Attorney who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following ~~his or her~~ their election. The District Attorney shall, at the time of ~~his or her~~ their election and at all times during ~~his or her~~ their term of office, be a qualified elector of the County, fully admitted to the practice of law in this state, and devote ~~his or her~~ their full working time to the duties of the office.

**SECTION 59. Article XXI Section C-88 of the Ulster County Charter is REPEALED and a new Section C-88 is added to the Ulster County Charter to read as follows:**

**§ C-88. Powers and duties.**

The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties conferred upon ~~his or her~~ their office under the laws and constitution of New York State. ~~He or she~~ They shall have authority and control over the District Attorney's Office, including the power to appoint and remove officers and employees therein.

**SECTION 60. Article XXII Section C-90 of the Ulster County Charter is REPEALED and a new Section C-90 is added to the Ulster County Charter to read as follows:**

**§ C-90. Fire Coordinator.**

- A. Appointment. There shall be a Fire Coordinator who shall be appointed by and serve at the pleasure of the County Executive. ~~He or she~~ They shall be appointed based upon ~~his or her~~ their education, experience and qualifications to perform the duties of the office, subject to the confirmation of the County Legislature.

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- B. Powers and duties. The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen are required. ~~He or she~~ **They** shall act as the chief liaison between the County government and the fire-fighting forces in the County and their governing boards and bodies and shall perform such other duties as the County government may require or the County Executive may direct.

**SECTION 61. Article XXIII Section C-92 of the Ulster County Charter is REPEALED and a new Section C-92 is added to the Ulster County Charter to read as follows:**

**§ C-92. Director of the Office for the Aging.**

- A. There shall be an Office for the Aging, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive. ~~He or she~~ **They** shall be appointed based upon ~~his or her~~ **their** education, experience and qualifications to perform the duties of the office and subject to the confirmation of the County Legislature.
- B. Powers and duties. The Director of the Office for the Aging shall have all the powers and perform all the duties now or hereafter conferred or imposed upon ~~him or her~~ **them** by law, **have authority, direction and control over the Office of the Aging including power to appoint and remove officers and employees therein**, and perform such other and related duties required by the County Executive or County Legislature.

**SECTION 62. Article XXIV Section C-94 of the Ulster County Charter is REPEALED and a new Section C-94 is added to the Ulster County Charter to read as follows:**

**§ C-94 [Reserved]**

**SECTION 63. Article XXV Section C-95 of the Ulster County Charter is REPEALED and a new Section C-95 is added to the Ulster County Charter to read as follows:**

**§ C-95. Director of Veterans' Service.**

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There shall be a Veterans' Service Agency headed by a Director of Veterans' Service who shall be appointed by the County Executive on the basis of ~~his or her~~ their education and experience qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and serve at the County Executive's pleasure. ~~He or she~~ They shall have all the powers and perform all the duties now or hereafter conferred or imposed upon ~~him or her~~ them by law, **have authority, direction and control over the Veteran's Service Agency, including power to appoint and remove officers and employees therein**, and perform such other and related duties required by the County Executive or County Legislature.

**SECTION 64. Article XXIX Section C-99 of the Ulster County Charter is REPEALED and a new Section C-99 is added to the Ulster County Charter to read as follows:**

**§ C-95. Reserved.**

**SECTION 65. Article XXX Section C-100 of the Ulster County Charter is REPEALED and a new Section C-100 is added to the Ulster County Charter to read as follows:**

**Department of Human Rights**

**§ C-100. ~~Commissioner~~ Director of Human Rights.**

- A. There shall be a ~~Commission~~**Department** of Human Rights headed by a **Director** ~~Commissioner~~ of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at ~~his or her~~**the County Executive's** pleasure. ~~The Commissioner~~**Director shall have authority, dominion and control over the department, and have the power and authority to appoint and remove officers and employees therein. The Director shall serve as an ex officio non-voting member of the Human Rights Commission.**
- B. **Powers and Duties. The Director of Human Rights shall have managerial responsibility for the Department and administrative responsibility for the Commission of Human Rights. In consultation with the Commission, the Director shall recommend policies and programs to address discrimination in employment, housing, public accommodation, education, and credit; expand public education and awareness of human rights; and foster harmony between the diverse communities within Ulster County.**

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**SECTION 66. Article XXX Section C-101 of the Ulster County Charter is REPEALED and a new Section C-101 is added to the Ulster County Charter to read as follows:**

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

- A. ~~The~~**There shall be a** Commission of Human Rights that shall be constituted in accordance with and exercise the powers and duties specified in Article 12-D of the General Municipal Law and other related duties required by the County Executive and/or the County Legislature.
- B. The Commission of Human Rights shall have 11 members appointed to terms of three years, three members of which shall be appointed by the legislative Chairperson, three members by the legislative minority leader, and ~~five~~ **three** members by the County Executive, with the remaining two members chosen by the appointed members of the Commission. The Commissioners **shall select a Chairperson from among their members at the first meeting** of each calendar year. **Appointments shall be representative of the diversity in Ulster County's communities. Consideration shall be given but not be limited to representation of gender, gender identity, racial, ethnic, socioeconomic, age, cultural, religious, geographic, and**

**disability diversity.** No member of the Commission of Human Rights shall serve more than four consecutive terms of three years. [Amended 8-14-2018 by L.L. No. 4-2018; 4- 20-2021 by L.L. No. 3-2021]

**SECTION 67. Article XXX Section C-102 of the Ulster County Charter is REPEALED and a new Section C-102 is added to the Ulster County Charter to read as follows:**

**§ C-102. Authority of Commission. [Amended 8-14-2018 by L.L. No. 4-2018]**

- A. The Commission of Human Rights shall have all of the authority, powers, duties and obligations expressly set forth in Article 12-D of the General Municipal Law, and shall also have the authority to engage in processes of conference, conciliation and persuasion, with the active assistance of the New York State Division of Human Rights ("State Division"), if needed, in the mediation and solution of complaints within the jurisdiction of the State Division, so as to amicably resolve such complaints, reduce tensions, build consensus, and foster harmony between the various and diverse communities within Ulster County and to otherwise report, but

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not initiate, any such complaints to the State Division, and shall also have the authority to create bylaws for its own governance, proceedings and activities, but shall not exercise any powers, duties or obligations not otherwise expressly set forth in General Municipal Law Article 12-D.

- B. The Commission is authorized to receive complaints of all persons in Ulster County with claimed human rights violations arising under any New York State, federal or local human rights law or regulation occurring in Ulster County and to engage all interested parties who consent to do so in an effort to mutually resolve such complaints through mediation and conciliation before the Commission or its authorized designee. In the event that no members of the Commission are able or willing to engage in mediation or conciliation of a given complaint as in the case of a conflict of interest then, subject to legislative appropriation sufficient to pay the expense thereof in a sum not to exceed \$10,000 per year, such complaints may be referred upon consent of all parties to the complaint, to an accredited community dispute resolution center within Ulster County operated under the auspices of Article 21-A of the Judiciary Law for the sole purpose of conducting such a nonbinding mediation and conciliation as specified herein.
- C. The Commission or its authorized designee shall actively monitor and assist persons with such claimed human rights violations through the process administered by the State Division, or pursuant to § C-101B hereof by the local Hearing Officer, for such claims that have not been successfully resolved by the Commission, or its authorized designee, through mediation and conciliation at the local level should such persons elect to file a discrimination claim with the State Division or the local Hearing Officer. The assistance rendered under this subsection shall not include the rendering of legal advice or legal representation to any party.
- D. The Commission or its authorized designee shall maintain records of all complaints received by it during each calendar year and shall make a report to the County Legislature by March 31 of each year summarizing the number, type and disposition of such complaints. Such annual report shall not include names or personal identifying information of any party.

**SECTION 68. Article XXXIV Section C-108 of the Ulster County Charter is REPEALED and a new Section C-108 is added to the Ulster County Charter to read as follows:**

**§ C-108. Establishment; membership; compensation.**



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There is hereby established a Periodic Compensation Review Committee for Ulster County. The Committee shall consist of five members of whom three members shall be selected by the County Legislature with at least one member from the party with the second most number of legislative members. Two Committee members, not of the same political party, shall be appointed by the County Executive. Initial appointments to the Committee shall be made no later than April 1 in the year after this Charter is first effected. As soon as practicable after April 1 of the year, members shall be called together by the County Executive to select a Chairman from amongst their number. No member of the Periodic Compensation Review Committee shall hold an elected or appointed position in Ulster County or be compensated in whole or in part from County funds at the time of ~~his or her~~their appointment and during ~~his or her~~their term of membership. **Any person previously employed by the County shall be prohibited from serving on the Periodic Compensation Review Committee for a period of four (4) years from cessation of employment.** Members of the Compensation Review Committee 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.

**SECTION 69. Article XXXIV Section C-110 of the Ulster County Charter is REPEALED and a new Section C-110 is added to the Ulster County Charter to read as follows:**

**§ C-110. Duties. [Amended 6-21-2016 by L.L. No. 2-2016]**

At the call of its Chairman, the Committee shall review the salaries of all elected officials of the County of Ulster at least every second year after its first meeting. In the course of its deliberations, the Committee shall hold at least one public hearing and shall otherwise provide ample opportunity for public comment. The Committee shall provide its recommendations and the rationale for them to the County Executive and the County Legislature no later than June 30 of the same year in which it convened, except that the Committee shall not make recommendations concerning compensation of elected officials for whom, by law or judicial determination, the County Legislature does not have the power to fix compensation. Immediately upon their delivery to the County Executive and the County Legislature, the recommendations of the Committee shall be filed with the Clerk of the Ulster County Legislature and posted on the County website. **The recommendations of the Commission shall be incorporated into the County Executive's next proposed budget unless previously adopted by local law.**

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**SECTION 70. Article XXXV Section C-111 of the Ulster County Charter is REPEALED and a new Section C-111 is added to the Ulster County Charter to read 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 Director of the Department of the 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.

**SECTION 71. Article XXXVI Section C-113 of the Ulster County Charter is REPEALED and a new Section C-113 is added to the Ulster County Charter to read as follows:**

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

- A. There shall be a Department of Emergency Communications/Emergency Management headed by a Director of Emergency Communications/Emergency Management appointed on the basis of ~~his or her~~**their** experience and qualifications for the duties of the office by the County Executive to serve at ~~his or her~~**their** pleasure, subject to the confirmation by the County Legislature. The Department of Emergency Communications/Emergency Management shall be the Office of Civil Defense for the County of Ulster.
- B. Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of Emergency Communications/Emergency Management shall:
- (1) Have charge and supervision of emergency services dispatching and disaster preparedness;
  - (2) Assist the County Executive and the County Legislature as required and directed in fulfilling

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their responsibilities in the area of disaster preparedness under the Executive Law or any other law, rule or regulation;

- (3) Act in accordance with Civil Service Law, have the authority, **direction and control over the department, including the power** to appoint and remove all officers and employees of the Department of Emergency Communications/Emergency Management;
- (4) Have charge and supervision over the preparation of the departmental budget and the expenditure of departmental funds;
- (5) Have responsibility for operation of 911 services;
- (6) Direct the administrative activities of the Department;
- (7) Have necessary powers and duties of the County Director of Civil Defense as provided by the New York State Defense Emergency Act; and
- (8) Have charge of and have the duty of performing such other related functions and other matters as the County Executive **or the County Legislature** may from time to time direct.

**SECTION 72. Article XXXVII Section C-116 of the Ulster County Charter is REPEALED and a new Section C-116 is added to the Ulster County Charter to read as follows:**

**§ C-116. Intermunicipal Collaboration Council.**

- A. There shall be a nine-member Intermunicipal Collaboration Council established whose purpose is to advance communication, coordination and collaboration among the local governments in Ulster County so as to achieve greater economy, efficiency, equity, effectiveness and responsiveness of public service. **[Amended 6-10-2009 by L.L. No. 5-2009]**
- B. Membership of the Intermunicipal Collaboration Council shall include the County Executive, the Chairman of the Ulster County Legislature, the majority leader of the Ulster County Legislature or ~~his or her~~**their** respective designee, the minority leader of the Ulster County Legislature or ~~his or her~~**their** respective designee, the Mayor of the City of Kingston or ~~his or her~~**their** respective designee, a representative of the Ulster County Board of Cooperative Educational Services (BOCES), one community member, appointed by the County Executive, and two representatives of the Ulster County Town Supervisors' Association to be selected by the Association. Any designee appointed by the majority or minority leader pursuant to this subsection shall be a member of the Legislature. Any designee appointed by the Mayor of the

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City of Kingston pursuant to this subsection shall be a duly elected official. Designations shall be in writing and filed with the Clerk of the Legislature. [Amended 6-10-2009 by L.L. No. 5-2009]

- C. The Council shall meet at the call of the County Executive, or upon the call of a majority of the Council members, but no fewer than two times annually, to consider matters or issues that might be brought before it by any member and to take initiatives designed to advance its objectives. [Amended 8-14-2012 by L.L. No. 9-2012<sup>24</sup>]

**SECTION 73. Article XXXVIII Section C-117 of the Ulster County Charter is REPEALED and a new Section C-117 is added to the Ulster County Charter to read as follows:**

**§ C-117. Director of Employment and Training.**

- A. A Department of Employment and Training shall be headed by a Director of Employment and Training who shall be appointed by the County Executive based on ~~his or her~~ **their** experience and qualifications to perform the responsibilities of office, subject to the confirmation by the County Legislature. ~~He or she~~ **They** shall serve at the pleasure of the County Executive.
- B. Powers and duties. In accord with the requirements of state and local law, ~~he or she~~ **they** shall conduct training programs for dislocated workers and low-income and otherwise disadvantaged adults and youths so as to simultaneously improve their life chances and meet the needs of employers, thus strengthening the County economy. ~~He or she~~ **They** shall have all other powers and perform all other duties now and hereafter conferred or imposed upon ~~him or her~~ **them** by law, **have authority, direction and control over the Department of Employment and Training, including power to appoint and remove officers and employees therein,** and shall perform such other and related duties required by the County Executive or County Legislature.

**SECTION 74. Article XXXVIX Section C-118 of the Ulster County Charter is REPEALED and a new Section C-118 is added to the Ulster County Charter to read as follows:**

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**§ C-118. Director of Tourism.**

- A. There shall be Department of Tourism headed by a Director of Tourism who shall be appointed by the County Executive based on ~~his or her~~**their** experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at ~~his or her~~**the County Executive's** pleasure.
- B. Powers and duties. ~~He or she~~**They** shall promote all of Ulster County's tourism sites, attractions and events with a view toward strengthening the economy of Ulster County. ~~He or she~~**They** shall also have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~**them** by law, **have authority, direction and control over the Department of Tourism, including the power to appoint and remove officers and employees therein**, and perform other and related duties required by the County Executive and County Legislature.

**SECTION 75. Article XL Section C-119 of the Ulster County Charter is REPEALED and a new Section C-119 is added to the Ulster County Charter to read as follows:**

**§ C-119. Coordinator of Traffic Safety.**

- A. Appointment; term. There shall be a Coordinator of Traffic Safety who shall be appointed by the County Executive based on ~~his or her~~**their** experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at ~~his or her~~**the County Executive's** pleasure.
- B. Powers and duties. The Coordinator shall be responsible for the development and coordination of local programs which promote the safety and efficacy of traffic and transportation, including pedestrian and nonmotorized transport, and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~**them** by law and perform other and related duties required by the County Executive ~~and or~~ County Legislature.

**SECTION 76. Article XLI Section C-121 of the Ulster County Charter is REPEALED and a new Section C-121 is added to the Ulster County Charter to read as follows:**

**§ C-121. Director of the Youth Bureau.**

- A. There shall be a Youth Bureau headed by a Director who shall be appointed by the County Executive based on ~~his or her~~**their** education, experience and qualifications to perform the

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duties of the office, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

- B. Powers and duties. The Director of the Youth Bureau shall have managerial responsibility for the department and, with the advice and assistance of the Youth Board, recommend policies that promote youth development and prevent delinquency, plan and coordinate activities devoted to the well-being and protection of all youth in Ulster County, and expand public awareness of youth issues. ~~He or she~~ **They** shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~ **them** by law, **have authority, direction and control over the Youth Bureau, including power to appoint and remove officers and employees therein** and perform such other and related duties required by the County Executive ~~and~~ **or** County Legislature.

**SECTION 77. Article XLI Section C-122 of the Ulster County Charter is REPEALED and a new Section C-122 is added to the Ulster County Charter to read as follows:**

**§ C-122. Deputy Director.**

The ~~Deputy~~ Director of the Youth Bureau shall **have the power to appoint a Deputy Director of the Youth Bureau, be appointed by the Director,** in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of ~~his or her~~ **their** education and experience. ~~He or she~~ **They** shall possess the powers and perform the duties of the Director of the Youth Bureau during the absence or inability of such Director to act or in the case of a vacancy in the office of the Director, until a successor is selected and has qualified.

**SECTION 78. Article XLI Section C-123 of the Ulster County Charter is REPEALED and a new Section C-123 is added to the Ulster County Charter to read as follows:**

**§ C-123. Youth Board.**

- A. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members

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who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as "Commissioners of the Youth Bureau of the County of Ulster" and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or ~~his or her~~their representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Bureau.

- B. Powers and duties. The Youth Board shall propose policies, programs and recommendations to the Director of the Youth Bureau, the County Executive and the Legislature regarding measures most suitable to supplement, aid and coordinate the work and activities of all public and private agencies, including religious and social institutions, seeking to prevent delinquency and youth crime, to advance the moral, physical, mental and social well-being of the youth of this County, and to encourage the County's local governments to take an interest in the well-being of youth.

**SECTION 79. Article XLII Section C-125 of the Ulster County Charter is REPEALED and a new Section C-125 is added to the Ulster County Charter to read as follows:**

**§ C-125 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.**

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- 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.

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.

**SECTION 80. Article XLIII Section C-126 of the Ulster County Charter is REPEALED and a new Section C-126 is added to the Ulster County Charter to read as follows:**

**§ C-126. Safety Officer**

- A. Appointment; term. There shall be Safety Department headed by a Safety Officer who shall be appointed by the County Executive based on ~~his or her~~**their** education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. ~~He or she~~**They** shall serve at the pleasure of the County Executive.
- B. Powers and duties. The Safety Officer will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. ~~He or she~~**They** shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~**them** by law, **have authority, direction and control over the Safety Department, including power to appoint and remove officers and employees therein**, and perform other



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and related duties required by the County Executive and County Legislature.

**SECTION 81. Article XLIV Section C-127 of the Ulster County Charter is REPEALED and a new Section C-127 is added to the Ulster County Charter to read as follows:**

**§ C-127. Insurance Officer.**

There shall be an Insurance Department headed by an Insurance Officer who shall be appointed by the County Executive based on ~~his or her~~**their** education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. ~~He or she~~**They** shall serve at the pleasure of the County Executive and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon ~~him or her~~**them** by law, **have authority, direction and control over the Insurance Department, including power to appoint and remove officers and employees therein**, and perform such other and related duties as required by the County Executive and County Legislature.

A. Powers and duties. The Insurance Officer shall:

- (1) Have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature;
- (2) Subject to County Executive approval, have the authority to administer the self- insurance plan as provided for in Article 5 of the Workers' Compensation Law;
- (3) Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended;
- (4) Have the authority to settle any case subject to the approval of the County Attorney; and
- (5) Have authority to appoint deputies within the limit of the appropriation for this purpose, and designate a first deputy who shall act as Insurance Officer in the event of the Insurance Officer's absence from the County or inability to perform and exercise ~~his or her~~**their** powers and duties.

**SECTION 82. Article XLV Section C-132 of the Ulster County Charter is REPEALED and a new Section C-132 is added to the Ulster County Charter to read as follows:**

**§ C-132. Transfer of functions, duties and personnel; other County departments, boards,**

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- A. Except as otherwise provided in this Charter, all County departments, boards, offices and units shall continue as provided by law.
- B. Any County officer appointed for a fixed term prior to the effective date of this Charter shall continue ~~his or her~~ **their** office for the balance of the unexpired term.
- C. Nothing contained in this Charter is intended to constitute a transfer of any function or duty from any town or village or an abolition of any office, department, or unit of government of a town or village in the County. If any provision of this Charter is construed by any court of competent jurisdiction to constitute any such transfer or abolition, such provision shall be deemed to be optional as it affects the towns or villages and shall be effective only upon approval by the governing boards of such towns or villages.
- D. Additional appointments to be made by the County Executive. The County Executive shall appoint the head of any administrative unit not provided for in this Charter, subject to the confirmation of the Legislature. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter within the limits prescribed in Article 4 of the Municipal Home Rule Law.
- E. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Executive to an appropriate Administrative Unit.

**SECTION 83. Article XLV Section C-137 of the Ulster County Charter is REPEALED and a new Section C-137 is added to the Ulster County Charter to read as follows:**

**§ C-137. Amendment.**

- A. This Charter may be amended in the manner provided by the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a city, town, village, district or other unit of local government wholly contained within the County, shall not become operative

unless it is approved by mandatory referendum as required by the Municipal Home Rule Law.

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- B. Further, any amendment which would create or abolish an elective County office, change the power or method of removing an elective County officer during ~~his or her~~ **their** term of office, abolish, curtail or transfer to another County office or agency any power of an elected County officer, or change the form or composition of the County Legislature shall be subject to a mandatory referendum.

**SECTION 84. SEVERABILITY**

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

**SECTION 85. EFFECTIVE DATE.**

This Local Law shall become effective upon its filing with the Secretary of State.