

Proposed Local Law Number 18 Of 2018

County of Ulster

A Local Law Amending Ulster County Charter Section 44-8 And Ulster County Administrative Code Section A 33-2, Board Of Ethics

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

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature hereby determines that the process by which members are appointed to the Ulster County Board of Ethics needs to be modified to permit the Ulster County Executive to appoint two members, the Chairman of the Legislature to appoint one member, the Majority Leader of the Legislature to appoint one member, and the Minority Leader of the Legislature to appoint one member.

SECTION 2. BOARD OF ETHICS

Sections 44-8 of the Ulster County Charter and A 33-2 of the Ulster County Administrative Code shall be amended as follows:

§ 44-8 Board of Ethics.

A. Establishment.

1. There shall be a Board of Ethics consisting of five members who, prior to January 1, 2009, shall be appointed by the Ulster County Legislature and from January 1, 2009 until December 31, 2018, shall be appointed by the Ulster County Executive. Beginning January 1, 2019, vacancies on the Board of Ethics shall be appointed by the following public officers in the order expressly set forth in this Section, with each appointment subject to confirmation of the County Legislature:

- a. Term ending on December 31, 2018: Ulster County Executive;*
- b. Term ending on December 31, 2019: Chairman of the Legislature;*
- c. Term ending on December 31, 2020: Majority Leader of the Legislature;*
- d. Term ending on December 31, 2021: Minority Leader of the Legislature;*
- e. Term ending on December 31, 2022: Ulster County Executive.*

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2. Board of Ethics members may be removed from office by a majority vote of the County Legislature for failure to fulfill the duties of the office or for any violation of this chapter, and shall be given written notice and an opportunity to be heard.

3. **Deleted.**

~~4.3.~~ *Members of the Board of Ethics 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.*

~~5.~~ 4. There shall be support staff and funds as may be appropriated annually toward the Ethics Board's maintenance and operation.

~~6.~~ 5. The County Attorney or Attorney(s) **and Legislative Counsel shall each** provide legal and advisory services to the Board of Ethics as it may require in the performance of its duties. If the County Attorney or Attorney(s) for the County **and/or Legislative Counsel** has a potential conflict of interest, the County shall make funds available for outside counsel.

~~7.~~ 6. The Board of Ethics shall elect a Chairperson from among its members. The Chairperson or a majority of the Board may call a meeting of the Board. The Board of Ethics shall meet a minimum of two times a year.

~~8.~~ 7. Three members of the Board shall constitute a quorum and shall be required for the purpose of conducting a meeting. A concurring vote of three members shall be required for the Board to take action.

9. **Deleted.**

B. Qualifications.

1. All members of the Board of Ethics shall reside in the County of Ulster, be over 25 years of age, and be a registered voter for at least five years prior to appointment.

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2. Deleted.

~~3-2.~~ No member shall hold office in a political party or hold elective office in the County. For purposes of this section, "office in a political party" shall mean all offices in any political party including the office of committee person or committee member.

~~4-3.~~ A member may make campaign contributions but not otherwise participate in any Ulster County election campaign.

~~5-4.~~ One member may be an appointed officer or employee of the County.

A33-2 Membership; Appointment; Compensation:

*A. There shall be a Board of Ethics consisting of five members, **appointed by each of the following public officers, inter alia, the Ulster County Executive (two members), the Chairman of the Legislature (one member), the Majority Leader of the Legislature (one member), and the Minority Leader of the Legislature (one member)**, subject to the confirmation of the County Legislature. Board of Ethics members shall serve without compensation and for a term of five years. Members of the Board of Ethics 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. Vacancies shall be filled for the unexpired term.*

*B. **The County Legislature shall vote on any nominee to the Board of Ethics.** The Legislature shall vote on the confirmation of such individual at its next regular meeting at least 30 days after such nomination has been made by the **given public officer**. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the **public officer** for 12 months after the Legislature votes upon the proposed appointment.*

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C. Deleted.

SECTION 3. MANDATORY REFERENDUM QUESTION.

The question that shall be submitted to the voters is as follows:

Shall the amendment to the Ulster County Charter approved as Proposed Local Law # 18 of 2018, changing the appointing authority of Ulster County Ethics Board members to the following: two (2) appointments by the Ulster County Executive, and one (1) appointment each by the Chairman, Majority Leader, and Minority Leader of the Legislature to the 5 member Ulster County Ethics Board, be adopted and become part of the Ulster County Charter?

SECTION 4. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE.

Pursuant to Municipal Home Rule Law Section 23, this Local Law shall not become operative unless and until this Local Law is approved by the duly qualified voters of Ulster County in a manner prescribed by law at the general election on November 6, 2018, and thereafter filed with the Secretary of State.