

Proposed Local Law Number 2 Of 2024

County Of Ulster

A Local Law Amending Article XXX Commission Of Human Rights Of The Ulster County Charter And The Ulster County Administrative Code, And Chapter 216 Human Rights Of The Code Of The County Of Ulster In Relation To The Number Of Members And Appointment Structure Of The Commission Of Human Rights

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

SECTION 1. LEGISLATIVE INTENT.

The Ulster County Legislature deems that amendments to the Ulster County Charter, Administrative Code and Code of the County of Ulster are necessary to ensure power in relation to the Human Rights Commission is not concentrated with the County Executive but vested with the Commission itself, with appointments being made in the most equitable manner. This will ensure the most independent and fair delivery of services provided by Ulster County when amicably resolving complaints, reducing tensions, building consensus, and fostering harmony between the various and diverse communities within Ulster County.

SECTION 2. AMENDMENT TO THE ULSTER COUNTY CHARTER, ARTICLE XXX COMMISSION OF HUMAN RIGHTS.

§ C-101. Membership; duties; appointments; terms of office. B. is hereby amended to read as follows:

“B. The Commission of Human Rights shall have ~~11~~ **9** 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, ~~one of which shall be designated by him or her as the Commission Chairperson.~~ **The Commission shall vote on the Chair at their annual meeting.** Appointments shall be representative of the various religious, racial, ethnic and nationality groups in Ulster County's communities. No member of the Commission of Human Rights shall serve more than four consecutive terms of three years.”

SECTION 3. AMENDMENTS TO THE ULSTER COUNTY ADMINISTRATIVE CODE, ARTICLE XXX COMMISSION OF HUMAN RIGHTS.

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1. § A30-1. Commissioner of Human Rights. is hereby amended to read as follows:
 - A. *There shall be a Commission of Human Rights headed by a Commissioner of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at his or her pleasure.*
 - B. Powers and duties. The Commissioner of Human Rights shall address the problems of discrimination in employment, housing, public accommodation, education and credit.
 - C. **The Commissioner of Human Rights shall have the power to appoint one or more Deputy Directors of Human Rights, within the limits of appropriations therefor, to assist in addressing the problems of discrimination in employment, housing, public accommodation, education and credit, and act on behalf of the Commissioner during his/her/their absence.**
 - € D. Reports. On or before March 1 of each year, the Commissioner of Human Rights shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Commissioner of Human Rights shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.
2. § A30-2. Commission membership; duties; appointments; terms of office. is hereby amended to read as follows:
 - A. *The Commission of Human Rights 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.*

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- B. *The Commission of Human Rights shall have ~~11~~ 9 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, ~~one of which shall be designated by him or her as the Commission Chairperson.~~ **The Commission shall vote on the Chair at their annual meeting.** Appointments shall be representative of the various religious, racial, ethnic and nationality groups in Ulster County's communities. No member of the Commission of Human Rights shall serve more than four consecutive terms of three years.*
- C. The Commission of Human Rights shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Commission meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Commission's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.
- D. **Conduct - Members of the Commission shall at all times be accountable to the people, discharge their duties with utmost responsibility, and act with integrity and competence at all times.**

SECTION 4. AMENDMENTS TO THE CODE OF THE COUNTY OF ULSTER, CHAPTER 216 HUMAN RIGHTS.

1. § 216-5 Amendment to § C-101B. is hereby amended to read as follows:

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“The Commission of Human Rights shall have ~~11~~ **9** 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, ~~one of which shall be designated by him or her as the Commission Chairperson.~~ **The Commission shall vote on the Chair at their annual meeting.** Appointments shall be representative of the various religious, racial, ethnic and nationality groups in Ulster County's communities. No member of the Commission of Human Rights shall serve more than four consecutive terms of three years.”

2. § 216-6 Independent Administrative Hearing Officer. B. is hereby amended to read as follows:

B. Panel members.

(1) The panel of potential Hearing Officers shall be appointed by the County Executive **with one recommendation each from the Majority Leader and Minority Leader of the Legislature. The panel shall be** subject to confirmation by the Legislature. The panel shall consist of three to five individuals who meet the following criteria:

(a) Each individual shall be an attorney admitted to practice law in good standing by the State of New York having been so admitted for no less than five years; and

(b) Each individual shall agree to be available within 30 days of notice unless there are extenuating circumstances. If a panel member is unavailable more than three times in any given year, then that panel member shall automatically be deleted.

(2) Panel members shall be selected by the Commission on a rotating basis. In the event a panel member is unavailable or cannot participate due to a conflict of interest, the panel member will remain at the top of the list and the next panel member on the list will be chosen.

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SECTION 5. MANDATORY REFERENDUM QUESTION: The question that shall be submitted to the voters is as follows:

“Shall the amendments to the Ulster County Charter approved as Proposed Local Law #2 of 2024, making the Ulster County Commission of Human Rights 9 members, allowing for a balanced appointment structure and empowering the Commission to select its own Chair, be adopted and become part of the Ulster County Charter?”

SECTION 6. 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, Ulster County Administrative Code and the Code of the County of Ulster, which shall remain in full force and effect.

SECTION 7. 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 5, 2024, and thereafter filed with the Secretary of State.