

Proposed Local Law Number 4 Of 2018

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 Clarify Budget Modification After Adoption

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

SECTION 1. LEGISLATIVE FINDINGS.

The Ulster County Legislature, as the appropriating and policy-determining body of the County, is bestowed with all powers and duties conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, including the power to make appropriations, levy taxes, incur indebtedness and adopt a budget.

The Ulster County Legislature finds that as the appropriating and policy-determining body of the County, it is incumbent to protect the taxpayers of Ulster County from the dissipation of County funds that were not expressly approved by the Legislature and set forth in the annual County Budget. To this end, the Ulster County Legislature deems it necessary to prohibit the transfer of payroll related expenditures designated for Ulster County employment positions as itemized in the annual budget, to other budgetary lines during the course of a year, unless and until prior Legislative approval is given.

SECTION 2. Section C-40 A. of the Ulster County Charter and Section A4-10 A of the Ulster County Administrative Code, collectively entitled “Budget Modification After Adoption”, are amended to read as follows:

- 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 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, **unless used for payroll related expenses or deemed necessary as a matter of public health or safety**, may not be to reduce the rate of pay or annual salary of any County employee **employment position, regardless of whether said employment position is vacant or filled in a given year.** ~~Written notice of such a transfer shall be given to the Legislature.~~ **Provided, however, that no transfer under this section shall be made unless:**

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- i. Prior written notice of each such transfer has first been given to the Chair of the Ulster County Legislature and Minority Leader, and within forty-eight (48) hours thereafter no objection by the Chair of the Ulster County Legislature or Minority Leader to such transfer has been made, or**
- ii. In the event that an objection is timely made pursuant to the provisions of section 2(A)(i) hereof, that each such transfer be first approved by a majority vote of the Ulster County Legislature at any regular or special session thereof.**

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 # 4 of Ulster County for 2018, establishing criterion for the transfer of payroll related expenditures designated for Ulster County employment positions as itemized in the annual budget, to other budgetary lines during the course of a year be adopted and become part of the Ulster County Charter?

SECTION 4. 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 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.