

Proposed Local Law Number 5 Of 2015

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 To Clarify The Powers And Duties Of The Audit Committee

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

SECTION 1. ~~Section C-8.B of the Ulster County Charter and Section A2-2.B of the Administrative Code are amended to read as follows:~~

~~Section C-8 and Section A2-2: Members; term of office; election.~~

~~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 number year. **EFFECTIVE WITH THE GENERAL ELECTION OF 2017, THE TERM OF OFFICE FOR MEMBERS OF THE COUNTY LEGISLATURE SHALL BE FOUR YEARS BEGINNING ON THE FIRST DAY OF JANUARY NEXT FOLLOWING THEIR ELECTION AT THE GENERAL ELECTION HELD IN EVERY ODD NUMBER YEAR.**~~

SECTION 2. ~~A new paragraph (C) is added to Section C-8 of the Ulster County Charter and Section A2-2 of the Administrative Code to read as follows:~~

~~C. Commencing with the members of the County Legislature who take office on January 1, 2018, no person shall serve as a County Legislator for more than four terms.~~

SECTION 3. ~~Section C-17 of the Ulster County Charter and Section A2-12 of the Administrative Code are amended to read as follows:~~

~~Section C-17 and Section A2-12: Organizational meeting.~~

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~~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. DURING THE FIRST ORGANIZATIONAL MEETING FOR EACH NEW COUNTY LEGISLATURE, THE MEMBERS OF THE COUNTY LEGISLATURE~~

~~SHALL ELECT A CHAIRMAN AT THE CALL OF THE CLERK OF THE LEGISLATURE. THE CHAIRMAN SHALL SERVE FOR THE DURATION OF THE CHAIRMAN'S TERM AS LEGISLATOR. THE REMOVAL OF THE CHAIRMAN SHALL BE BY A MOTION FROM THE FLOOR DURING A MEETING OF THE COUNTY LEGISLATURE BY A FAVORABLE VOTE OF AT LEAST TWO-THIRDS OF THE WHOLE NUMBER OF THE LEGISLATURE. 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.~~

~~**SECTION 4. Section C-19 of the Ulster County Charter and Section A2-14 of the Administrative Code are REPEALED and a new Section C-19 of the Ulster County Charter and Section A2-14 of the Administrative Code are added to read as follows:**~~

~~Section C-19 and Section A2-14: Clerk of the County Legislature.~~

~~During the first organizational meeting for each new County Legislature, a Clerk of the County Legislature shall be appointed by resolution by the County Legislature and such appointed Clerk shall serve for the duration of the appointing Legislature's~~

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~~term. In the event of vacancy, the Legislature shall appoint by resolution a new Clerk of the Legislature. The removal of the Clerk shall only be done by resolution with a favorable vote of at least two thirds of the whole number of the Legislature. Deputy Clerks and employees of the Legislature shall be appointed in accordance with the Rules of Order of the Legislature.~~

SECTION 5 1. Section C-25.M of the Ulster County Charter is amended to read as follows:

Section C-25: Powers and duties of 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, **EXCEPT AS PROVIDED FOR IN SECTION C-11.1 HEREIN;**

SECTION 6 2. Section A3-4.X of the Administrative Code is amended to read as follows:

Section A3-4: Powers and duties of County Executive.

X. Execute all contracts and change orders under the sum of \$50,000 and, with the approval of the County Legislature, all contracts, **EXCEPT AS PROVIDED FOR IN SECTION A2-5.1 HEREIN,** and change orders in the amount of \$50,000 or in excess of \$50,000, except that:

SECTION 7 3. Section A4-4.Y of the Administrative Code is amended to read as follows:

Section A3-4: Powers and duties of the County Executive.

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Y. **EXCEPT AS PROVIDED FOR IN SECTION A2-5.1 HEREIN**, the Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature's approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter.

SECTION 8 4. A new section (B) is hereby added to Section C-11.1 of the Ulster County Charter and Section A2-5.1 of the Administrative Code to read as follows:

B. (1) The selection of the Audit Committee shall be final and not subject to the approval of the County Legislature or the County Executive.

(2) Upon the final selection of the independent auditor by the Audit Committee, the Chairman of the Legislature shall have the authority to execute **and shall execute** the contract with the selected independent auditor. The terms of the contract shall contain those provisions included in the County's standard contract. The Chairman may consult with the County Attorney prior to executing the contract.

SECTION 9 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 No. 5 of 2015 for the County of Ulster **clarifying the independence of the Audit Committee to conform with the intentions of the 2012 Charter Commission** be adopted and become part of the Ulster County Charter?

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SECTION 10 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, which shall remain in full force and effect.

SECTION 11 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 3, 2015, and thereafter filed with the Secretary of State.