

# Proposed Local Law Number 9 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 Amend Article II Legislative Branch §C-21 Filling Membership Vacancies**

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

#### **SECTION 1. LEGISLATIVE INTENT.**

The Ulster County Legislature finds that Article II of the Ulster County Charter, Legislative Branch §C-21. Filling Membership Vacancies and § A2-16 of the Administrative Code should be amended to provide greater transparency and public awareness and participation when filling a vacancy in the Ulster County Legislature.

#### **SECTION 2. §C-21. Filling Membership Vacancies. of the Ulster County Charter and § A2-16 of the Administrative Code are hereby amended to read as follows:**

Filling membership vacancies.

~~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.~~

**A. A vacancy in the County Legislature shall be filled in the following manner with confirmation 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.**

- (1) In districts wholly within the City of Kingston, by a majority vote of the whole membership of the Common Council;**
- (2) In districts wholly within a town, by a majority vote of the whole membership of the Town Board of said town;**
- (3) In multiple-town/Village districts and/or city districts, by a majority vote of the whole membership of the Town(s) Board, Village Board and/or City Council composing said district assembled collectively for the purpose of filling such vacancy.**

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**B. Filling of the vacancy shall be publicly advertised for a period of two weeks in the official newspaper(s) and public online entities in the district where the vacancy occurs. ~~Interviews of potential candidate(s) shall be held publicly by the committee of the party of the vacancy and the recommendation forwarded to the County Legislature.~~**

**C. 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. **Should the vacancy occur within 60 days of a scheduled primary, then the vacancy may be filled with the primary winner provided no other candidates have declared.** 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 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 # 9 of 2023, providing greater transparency and public awareness and participation when filling a vacancy in the Ulster County Legislature, be adopted and become part of the Ulster County Charter?”

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**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 and Ulster County Administrative Code, 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 5, 2024 ~~7, 2023~~, and thereafter filed with the Secretary of State.