

# Introductory Local Law Number 8 Of 2010

## County Of Ulster

### **A Local Law To Combine County Administrative Units – Consumer Fraud Bureau And The Ulster County District Attorney**

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

#### **SECTION 1: LEGISLATIVE BACKGROUND AND PURPOSE.**

Pursuant to the Ulster County Charter Section C-11(D) and the Administrative Code for the County of Ulster Section A2-5(A-4) Powers and duties of Legislature: “The County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, and all the powers assigned to it by the Ulster County Charter and restricted as therein provided. Among such powers and duties, but not by way of limitation, it shall have the power:

*By local law to create, alter, combine or abolish County administrative units\*.”*

\*Pursuant to the Ulster County Charter Section C-6 and the Administrative Code for the County of Ulster Section A1-8: “Definitions: Whenever used in this Charter/Whenever used in the Administrative Code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

*ADMINISTRATIVE UNIT — Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of the foregoing.”*

The Ulster County Charter Section C-93. Director of Consumer Affairs reads: “There shall be a Consumer Fraud Bureau headed by a Director of Consumer Affairs who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of said office, subject to confirmation by the County Legislature, and serve at his or her pleasure. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and performs such other and related duties required by the County Executive or County Legislature.”

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The Administrative Code for the County of Ulster Section A24-1. Consumer Fraud Bureau; Division of Weights and Measures reads: *“There shall be a Consumer Fraud Bureau. Within the Bureau there shall be a division of Weights and Measures.”*

The Administrative Code for the County of Ulster Section A24-2(A) *Director of Consumer Affairs* reads: *“The Consumer Fraud Bureau shall be headed by a Director of Consumer Affairs who shall be appointed by the County Executive in compliance with all civil service laws based on his or her experience and qualifications to perform the duties of said office, subject to confirmation by the County Legislature, and serve at his or her pleasure. The District Attorney may provide enforcement assistance to the Consumer Fraud Bureau.”*

\*Note the language in italics is from the Ulster County Charter.

The Ulster County Consumer Fraud Bureau exists to serve and protect consumers and legitimate business from fraudulent and unfair business practices affecting the community. As Ulster County’s principal consumer advocacy agency, the bureau advises the County Executive and the Legislature on consumer issues and concerns. The bureau is the County’s consumer voice in national, state and local forums. While representing consumers, the bureau has always been sensitive to the concerns of legitimate business. The bureau’s activities include consumer counseling, investigation, education, complaint handling, as well as the broadcast and dissemination of consumer information and strategies.

The Ulster County Legislature being mindful of its obligation to the citizens of the County of Ulster to provide public services in a manner that is as cost effective and efficient as practicable.

Prior to January 1, 2009, the Ulster County District Attorney’s Office administrated the County’s Consumer Fraud Bureau and currently provides enforcement assistance to the Consumer Fraud Bureau. In accordance, the Ulster County Legislature hereby finds and determines that it is in the best interest of the

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citizens of the County of Ulster to combine the Consumer Fraud Bureau with the Ulster County District Attorney.

**SECTION 2: VALIDITY AND SEVERABILITY.**

If any section or part of this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional, then such adjudication shall not invalidate or impair the validity or force or effect of any other section or part of this local law or the application of this local law, or any section, provision, or part thereof, to other persons or circumstances.

**SECTION 3: EFFECTIVE DATE.**

This Local Law shall become effective upon its filing in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.