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Chapter C. CHARTER

[HISTORY: Adopted by the Ulster County Legislature 8-23-2006 by L.L. No. 2-2006, approved 11-7-2006. Amendments noted where applicable.]

Article I. Ulster County and Its Government

§ C-1. Title and purpose.

A. This Charter, together with any and all amendments to it, to be known and cited as the "Ulster County Charter," constitutes the government of Ulster County and provides for its form and functioning. Among other purposes, this Charter seeks to secure County home rule to the greatest extent possible; assure fair elections for County offices and accountability of the County's government to its people; separate the legislative and executive functions and responsibilities in Ulster County government; achieve increased efficiency, economy, equity, effectiveness and responsibility in the operation of the County government; increase fiscal accountability; ensure flexibility in the structure of County government to allow easy adaptability to change; and foster intermunicipal agreements and cooperation.

B. Except as otherwise provided, no function, facility, duty or power of any city, town, village, school district, or other district, or of any officer thereof, is or shall be transferred, altered, or impaired by this Charter.

§ C-2. County status, powers and duties.

Upon adoption of this Charter, Ulster County shall be and remain a municipal corporation under its same name and shall exercise all of the rights, privileges, functions and powers conferred upon it by this Charter, and any other applicable statute not inconsistent with such Charter. Ulster County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with the provisions of this Charter, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon it.

§ C-3. Charter effect on state laws.

This Charter provides a form for and structure of County government in accordance with the provision of Article 4 of the Municipal Home Rule Law of the State of New York. All special laws relating to Ulster County and all general laws of the State of New York shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by enactment and adoption of this Charter. Within the limits prescribed in Article 4 of the Municipal Home Rule Law, wherever and whenever any state law, general, special, or local in effect, conflicts or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as the County of Ulster and its government are affected.

§ C-4. Charter effect on local laws and resolutions.

A. All local laws and resolutions, heretofore adopted, which are contrary to or inconsistent with the provisions of this Charter are hereby repealed.

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B. All of the laws of the state relating to the towns, cities, villages or districts of the County of Ulster shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by the enactment and adoption of this Charter.

§ C-5. Amendment or revision of Charter.

A. Amendment through the Legislature. The County Executive, any Legislator, the Legislature collectively or any person may make recommendations at any time to the County Legislature for amendments to the Charter. A proposed amendment or proposed amendments to this Charter may be adopted in the manner provided by the Municipal Home Rule Law.

B. Amendment or revision by Commission. Within five years after the enactment of this Charter, and at least every 10 years thereafter, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to this County Charter. The Commission shall consist of 11 qualified electors of Ulster County and representing the different geographic areas and reflective of the demographic diversity of the County, with five members appointed by the County Executive, three members to be appointed by the leader of the party in the Legislature with the most members, and three members by the leader of the party in the Legislature with the second most members. No appointee to this Commission shall be a County employee or elected official at the time he or she serves on this Commission.

(1) The first meeting of the Commission members shall be convened by the County Executive in the second week after the deadline for its appointment for the purposes of electing a Chairman and receiving its charge. The Chairman of this Commission shall be elected at that meeting by a majority vote of the entire membership of the Commission.

(2) The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively. No member of the Charter Revision Commission shall receive any compensation, but each member shall be reimbursed by the County of Ulster for all actual and necessary expenses incurred in the course of the performance of his or her duties as a member of the Commission.

(3) The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website. The Commission shall issue a written report to the County Legislature and County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting, containing its findings and recommendations, if any, for amendments or revisions of the Ulster County Charter to be placed by the County Legislature before the people of Ulster County for their consideration at the next scheduled general election at least 60 days after the report is delivered to the Clerk of the Legislature. The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.

(4) The Commission, by two-thirds vote of its members, may place directly before the voters for their approval at referendum proposals to amend or revise Charter provisions pertaining to the County in Article II or III of this Charter. These amendments or revisions must be filed with the Ulster County Board of Elections timely so as to allow a vote upon them at the next scheduled general election after the Commission reports. No later than one month before the scheduled referendum at which its adoption will be considered, the Commission must hold at least one public hearing on any Charter change proposed directly to the ballot.

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Amendments or revisions proposed directly to the ballot by the Commission will be deemed adopted if approved by a majority of voters casting ballots on the question during the next scheduled general election. Notwithstanding other provisions of this Charter, if the Charter Commission proposes a matter for direct ballot consideration, the Commission will continue to function until the day after election day of the year of consideration of its proposal on the ballot.

§ C-6. Definitions.

Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE

The Administrative Code, if any, which may be adopted by the County Legislature, and any amendments thereto.

ADMINISTRATIVE HEAD

The head of any administrative unit.

ADMINISTRATIVE UNIT

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

AUTHORIZED AGENCY

Any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by the County Law, to receive and expend County funds for a County purpose.

CAPITAL PROGRAM

The plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects, and the proposed method of financing. It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:

A. A description of the proposed project and the estimated total cost;

B. The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation of duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state government; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and

C. An estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.

CAPITAL PROJECT

A. Any physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired; or

B. Any preliminary studies and surveys relating to any physical betterment or improvement; or

C. Land or rights in land; or

D. Any combination of Subsection A, B or C.

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CHARTER
This Ulster County Charter and all its amendments, if any.

CLERK
The Clerk of the County Legislature.

COUNTY
The County of Ulster.

COUNTY EXECUTIVE
The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

COUNTY LAW
The County Law of the State of New York.

COUNTY LEGISLATURE
The elective legislative, appropriating and policy-determining body of the County of Ulster. Whenever the term "County Board," Board of Supervisors," "County Governing Board" or "elective governing body of the County" is referred to in any law, it shall be deemed to mean and refer to the County Legislature.

DEPARTMENT
The administrative unit which is the primary level of County government.

DEPARTMENT HEAD
The administrative head of any department, and may also be referred to herein as a "commissioner" or "director."

DIVISION
The administrative unit which is the secondary level of County government.

ELECTION LAW
The Election Law of the State of New York.

EXECUTIVE LAW
The Executive Law of the State of New York.

GENERAL MUNICIPAL LAW
The General Municipal Law of the State of New York.

LOCAL LAW
A legislative act of the County Legislature adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance or similar act of the County Legislature.

MUNICIPAL HOME RULE LAW
The Municipal Home Rule of the State of New York.

PUBLIC OFFICE
Any office of federal, state or local government whether elected or appointed.

PUBLIC OFFICERS LAW
The Public Officers Law of the State of New York.

REAL PROPERTY TAX LAW
The Real Property Tax Law of the State of New York.

SECRETARY OF STATE
The Secretary of State of the State of New York.

WHOLE NUMBER
The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.

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Article II. Legislative Branch

§ C-7. County Legislature.

Upon the adoption of this Charter, the elective legislative body of Ulster County shall be the County Legislature of the County of Ulster.

§ C-8. Members; term of office; election.

A. Effective at the general election of 2011, the County of Ulster shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of the County Legislature. Such persons while holding office shall be known as "Legislators."

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-numbered year.

§ C-9. Qualifications.

A. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector and resident of the district from which the Legislator is elected, except that for an election immediately following the reapportionment of County legislative districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either his or her district of residence or any newly drawn district which is contiguous to his or her district of residence, provided that the County Legislator shall become a resident of the district represented no later than one year after taking office.

B. No County Legislator shall hold at the same time any other elective public office.

§ C-10. Commission on Reapportionment (Redistricting).

A. A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from ~~the census of 2010 to create 23 single-member districts for the Ulster County Legislature and thereafter to meet and~~each decennial census to evaluate existing legislative districts no later than July 1 of each year ending in "1" ~~60 days after the necessary census data becomes available from the decennial federal census~~ and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries, ~~and~~ defining geographic features, and equal population within applicable law, but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven (7) members who are County residents, are eligible to register to vote and are not currently, nor have been for the five (5) years preceding the formation of the Commission, public officers, ~~or~~ employees of New York State, Ulster County or any Town, City or Village in that County, or members or officers of any political committee. For the purposes of this statute, public officers shall not include notaries public.

B. To establish a pool from which Commission members will be appointed, the County Executive shall, no later than September 1st of each year ending in "0", commence the process for ~~three months prior to the anticipated first meeting of the Commission on Reapportionment, the County Executive shall~~ widely soliciting interest in

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serving on the Commission through such means as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website. The pool of candidates qualified to serve as members of the Commission shall be submitted to the County Legislature no later than November 1st of each year ending in "0".

C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than December 1st of each year ending in "0"~~60 days after the census data becomes available~~, with two (2) members appointed by the Legislature's majority leader and two (2) members by the Legislature's minority leader.

For the purpose of this section, majority leader shall mean the leader of the party in the Ulster County Legislature with the greatest number of seats in the Ulster County Legislature and minority leader shall mean the leader of the party in the Ulster County Legislature with the second greatest number of seats in the Ulster County Legislature.

D.

1) The~~se~~ four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than January 15th of each year ending in "1". ~~70 days after the census data becomes available.~~ In the event that all of the ~~additional~~ three (3) additional Commission members are not appointed by the prescribed January 15th deadline, the appointment of the initial four (4) members and additional members appointed by the four (4) Commissioners will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment.

2) The majority and minority leaders will then make new ~~alternative~~ appointments, other than any previously selected who could not agree on the selection of the three (3) additional members, in the manner prescribed in ~~this section~~subsection "C" above no later than February 1st of each year ending in "1"., ~~and t~~ The four (4) newly appointed members will appoint three (3) additional members as set forth above by February 15th of each year ending in "1". In the event that all of the three (3) additional Commission members are not appointed by the prescribed February 15th deadline, the appointment of the initial four (4) members and additional members appointed by the four (4) Commissioners will no longer have force and effect and these members will no longer be eligible to serve on the Commission for Reapportionment. ~~so as to allow the Commission to convene no later than six months after the census data becomes available.~~

3) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three (3) additional members, in the manner prescribed in Subsection "C" above but no later than March 1st of each year ending in "1".

4) In the event that these four (4) Commission members fail to select all of the three (3) additional members by March 15th of each year ending in "1", then by April 1st of each year ending in "1", the three (3) additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four (4) Commissioners have agreed by majority vote meet the criteria set forth in Subsection C-10 (A) of this Charter. The four (4) newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three (3) names from

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the receptacle containing the names of all of the remaining interested parties. If the four (4) newly appointed members determine that any one (1) of the three (3) additional members together with the four (4) appointed members thus selected do not represent the criteria set forth in section C10 (A) of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four (4) members determine that the three (3) additional members together with the four (4) appointed members represent the criteria set forth in section C10 (A) of this Charter. The three (3) names thus selected shall constitute the three (3) additional members of the Commission on Reapportionment.

E. The Commission shall meet no later than fifteen (15) days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.~~The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election Law that assures that elections in newly apportioned districts will be held in the year ending in "1" in every decade.~~

F. Powers and Duties of the Commission; hearings; submissions and approval of the plan.

1) Following each decennial census, the Commission shall prepare a plan to divide the County into twenty-three (23) single member districts as set forth in subsection C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the twenty-three (23) Legislative districts. The Commission shall have no power or authority to increase or decrease the number of Legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and Section 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in section C-10 (A) of the County Charter.

2) Each of the twenty-three (23) single member Legislative districts shall be created, taking into consideration subsection C-10 of this Charter based upon population. Weighted voting shall not be considered or adopted as part of the Commission's plan for reapportionment.

3) The Commission shall hold one (1) or more public hearings not less than one (1) month before it submits its plan to the Clerk of the Ulster County Legislature, in accordance with subdivision 4 of this section. The Commission shall make its plan available to the public for inspection and comment not less than one (1) month before the first such public hearing.

4) The Commission shall prepare, adopt by majority vote, and submit its plan to the Clerk of the Legislature on or before August 1st of each year ending in "2".

5) The plan submitted in accordance with subdivision 4 of this section shall be deemed adopted unless, by September 15th of each year ending in "2", one (1) or more members of the County Legislature submit to the Chairperson of the Commission, a statement or statements objecting to such plan.

6) Upon receipt of a statement or statements from County Legislator(s) objecting to the plan, the Commission shall reconsider the plan. If the Commission does not, by a super majority (majority plus one) vote to revise the plan, the original plan shall be deemed adopted. Upon a super majority vote of the Commission to revise the plan, it may make such revisions as it deems appropriate and shall complete the

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revised plan on or before October 15th of each year ending in "2". Such revised plans must be adopted by a super majority vote of the Commission. The Commission shall thereafter make such revised plan available to the Legislature and the public for inspection and comments and hold one (1) or more public hearings by November 15th of each year ending in "2" and, on or before December 1st of each year ending in "2", vote on whether to adopt the revised plan. If the revised plan is approved by a super majority vote of the Commission, it shall be deemed adopted subject to the provisions set forth in Subsections 8 and 9 below. If the revised plan is not approved by a super majority vote of the Commission, the original plan shall be deemed adopted.

7) Following adoption of the plan pursuant to subdivision 6 of this section, the Commission shall, no later than December 15th in each year ending in "2", prepare and submit to the Legislature the final plan for the reapportionment of the County population into twenty-three (23) single member districts for the election of the County Legislature.

8) Notwithstanding the provisions of subdivisions 5 and 6 of this subsection F, no plan shall be deemed adopted in accordance with either subdivision until the Commission files, with the Clerk of the Legislature, a copy of such plan and a certificate signed by the Chairman of the Commission certifying that the criteria set forth in Section C-10 (A) of the Charter have been implemented in such plan to the maximum extent practicable.

9) After the Commission files its final plan with the Clerk of the Legislature pursuant to subdivision 8 of this section, the Commission shall take all steps necessary to ensure that such plan is implemented, including but not limited to submitting such plan to the Ulster County Board of Elections, and making such adjustments in its plan as may be necessary and appropriate to comply with any Court Order.

G. The County Legislature shall appropriate such funds as it deems are necessary for the Commission to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission subject to the provisions set forth in this Charter and applicable federal, state and local law.

H. The Commission shall be dissolved on the day following the General Election in each year ending in "3".

I. A vacancy in the Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than thirty (30) days from the date of the vacancy.

§ C-11. 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, including but not limited to the power:

A. To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program;

B. To exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, legalizing acts, local laws, or resolutions;

C. By local law to adopt, amend or repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which

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Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with this Charter or amendments thereto;

D. By local law to create, alter, combine or abolish County administrative units;

E. To adopt by resolution all necessary rules and regulations for its own conduct and procedure;

F. Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and, upon recommendation of the County Executive, grant to the department head the power to stagger work hours;

G. To grant by resolution to officers and employees of the County vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;

H. To fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range;

I. To approve all labor contracts;

J. To fix the amount of official bonds and undertakings of officers and employees;

K. To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable;

L. To create and establish the office of deputy or deputies to the head of any department, agency, or administrative unit;

M. To determine and make provision for any matter of government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this Charter form of government;

N. To determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes consistent with standards prescribed by the Legislature of the State of New York and file the same in accordance with applicable law;

O. To approve the execution of all contracts in excess of $50,000 entered into by the County; and

P. To ~~provide~~ appropriate funds for the annual audit of the books and records of the County by independent auditors.

§ C-11.1

There shall be an Audit Committee consisting of seven (7) members: The Chairman of the Legislature or his/her designee will serve on and chair the committee and will appoint two (2) additional legislative

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members; the minority leader will appoint two (2) legislative members (in the case of more than one minority party the one with the highest number of legislators); the County Executive or designee; the Comptroller or designee. The County Executive and the Comptroller shall be non-voting members.

A. The Audit Committee shall: (1) select the independent auditor to perform the annual audit of the books and records of the County; (2) select the independent auditor in a fashion consistent with the County's existing procurement policy and the Audit Committee shall consult with the Director of Purchasing in this respect; and (3) report the independent auditor's findings to the Legislature, Executive and Comptroller.

§ C-12. Submission of enactments for executive approval; veto and veto override.

A. Except as otherwise provided by this Charter, every local law, legalizing act, or resolution adopted by the County Legislature, except legislative branch appointments not otherwise subject to County Executive approval and resolutions establishing rules and regulations or other matters pertaining solely to the conduct of the Legislature, shall be certified by the Clerk of the Legislature and submitted within five days after passage to the County Executive for the County Executive's approval in writing.

B. If the County Executive approves the local law or resolution, he or she shall sign it and return it to the Clerk of the County Legislature; it shall then be deemed to have been adopted. If he or she disapproves the local law or resolution, he or she shall veto it by returning it within 10 days to the Clerk with his or her objections stated in writing, or 30 days in the case of a local law. Any resolution not returned within 10 days, or 30 days in the case of a local law, will be deemed to have been adopted. The Clerk shall present the local law or resolution with the County Executive's objections to the County Legislature at its next regular meeting, and these objections shall be entered in the Legislature's record, journal or minutes of proceedings.

C. Within 30 days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least 2/3 of the whole number of its elected members on a roll-call vote.

§ C-13. Local laws.

A. Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal local laws by a majority vote of the total number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the State Legislature.

B. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of referenda in connection therewith, shall be as provided in the Administrative Code or applicable law.

C. Referenda. Local laws shall be subject to mandatory or permissive referenda when required by this Charter or applicable law.

D. Effective date. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

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§ C-14. Resolutions.

A. Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the total number of its members. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.

B. Procedure. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

§ C-15. Confirmation of appointments.

A proposed appointment or proposed appointments to County office by the County Executive that require confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the Legislature in writing in sufficient time to allow the Clerk to inform the full Legislature of the proposed appointment or appointments at least two weeks prior to the Legislature's next scheduled meeting. If the Legislature fails to either confirm by majority vote or reject the proposed appointment or appointments by ~~majority~~ a 60% vote of all its elected members by the next regular meeting occurring more than 15 days after the filing of the appointment with the Clerk, the appointment or appointments shall be deemed confirmed. When an appointment is rejected by the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive during his or her term of office.

§ C-16. Advisory committees, commissions and boards.

Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of this Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex officio of all such committees, commissions and boards.

§ C-17. Organizational meeting.

A. The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday in January at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk.

B. 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. 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.

C. In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office

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shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.

§ C-18. Monthly and special meetings; notice.

The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

§ C-19. Clerk of the County Legislature.

A Clerk of the County Legislature shall be appointed by the Chairman of the County Legislature at its organizational meeting, or at an adjourned meeting thereof, in the manner provided by its rules. The Clerk shall be and remain an elector of the County, and he or she shall serve at the pleasure of the Legislative Chairman and until his or her successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by appointment of the Chairman. The Chairman may appoint such Deputy Clerks and employees as the Legislature may require.

§ C-20. Counsel to the Legislature; Minority Counsel.

A. Appointment. There shall be a Counsel to the Legislature who shall be appointed by the Chairman of the Legislature. At the time of his or her appointment, and throughout his or her term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of this office. He or she shall be directly responsible to the Chairman of the Legislature and shall serve at the pleasure of the County Legislature.

B. Duties. The Counsel to the Legislature shall prepare local laws, resolutions, legalizing acts or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairman of the Legislature.

C. Minority Counsel. There shall also be a part-time Minority Counsel who shall be an attorney at law licensed to practice law in the State of New York and who shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the Legislature. He or she shall be selected by that party's caucus and shall serve at the pleasure of said caucus.

§ C-21. 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. 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. 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

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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.

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Article III. Executive Branch

§ C-22. County Executive.

The executive power of the County government shall be vested in a County Executive who, as chief executive, shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by any and all provisions of this Charter and/or by law.

§ C-23. Election and qualifications.

The County Executive shall be elected from the County at large, shall be a qualified elector of Ulster County at the time of his or her nomination and election and shall remain a qualified elector of Ulster County throughout his or her term of office. The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.

§ C-24. Term of office.

The County Executive shall be elected for a three-year term at the regularly scheduled election in the first even-numbered year following the adoption of this Charter, and thereafter every fourth year for a four-year term. The County Executive's term of office shall begin with the first day of January following his or her election.

§ C-25. Powers and duties of County Executive.

The County Executive shall be the chief executive of the County. Except as may be otherwise provided in this Charter, he or she shall have and exercise all the executive powers and duties conferred by this Charter and/or in law upon a County executive officer or the executive branch of a County government, and all powers and duties necessarily implied or incidental thereto:

A. Appoint department heads and other officers and employees as provided in this Charter. Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk and the County Clerk within a period of ~~30~~ one hundred eighty (180) days from a vacancy in such department or administrative unit, as the case may be, the County Legislature may appoint such department head or administrative unit head. In no event, unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk;

B. Supervise, direct and control the administration of all departments;

C. Appoint, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office as may be authorized by the County Legislature;

D. Conduct or supervise the conduct of collective bargaining negotiations with legally designated bargaining agents of County employees;

E. Supervise and direct the internal structure and organization of every unit of the executive branch of the County government;

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F. Reorganize the duties of, create, combine, separate, or eliminate executive departments of the County with the confirmation of the Legislature;

G. Except as otherwise provided in the Charter or applicable law, supervise the appointment and dismissal of employees;

H. Except as otherwise provided in this Charter, serve as an ex officio member of and appoint, supervise and terminate all executive committees, commissions and boards needed to assist him or her in the exercise of his or her executive functions and in the planning, formulation and administration of executive policies and programs;

I. Serve as the chief budgetary officer of the County, and as such, prepare and submit to the County Legislature the annual budget, capital program, and accompanying message, all as provided for in Article IV of this Charter, and execute the County budget and capital program in accordance with the resolutions and appropriations made by the County Legislature;

J. Designate one or more official depositories located within the County for the deposit of County funds;

K. Himself or herself or through a designee require the submission of regular reports of all County-funded agencies, assuring that publicly provided funds are used by said funded agencies in accord with overall County plans and agreed annually specified goals and objectives for said agencies;

L. Approve or disapprove the sufficiency of sureties on official bonds and undertakings required to be posted of officers within the Office of the 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;

N. Approve or disapprove in writing every proposed local law and resolution and the County Budget by specified items, subject to the provisions of § C-12 of this Charter; and

O. Make such recommendations to the County Legislature with respect to the affairs of the County and its government as he or she may deem appropriate.

P. To conduct studies and investigations in furtherance of his or her executive functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable;

§ C-26. Appointment of department heads.

A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official.

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B. The appointment by the County Executive of the head of each department or other administrative unit shall, unless otherwise specified in this charter, be subject to the confirmation by the County Legislature by vote of a majority of the whole number of members elected to that body, taken at a regular or special meeting pursuant to section C-15 of this Charter.

C. All appointments, whether or not subject to confirmation of the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within 10 days after the date of appointment. Except as otherwise provided in this Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified, or until an interim appointment is made.

D. Upon confirmation by the County Legislature and qualifying for the office, an appointee to a position of head of a department or other administrative unit shall enter upon the duties of that position.

E. The County Executive may designate a qualified person to serve temporarily or on an interim basis ~~for no longer than 45 days~~ as the head of a department or administrative unit until an appointment is made pursuant to this Charter.

F. All other officers and employees of each department or other administrative unit shall be appointed by the head of that department or administrative unit, unless otherwise provided by the Charter.

G. The County Executive may appoint one person as head of two or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in this Charter and/or law as to qualifications.

§ C-27. Deputy County Executive(s).

The County Executive may appoint or designate one or more Deputy County Executive(s), within the limits of appropriation set by the County Legislature, who shall serve at the pleasure of the County Executive. The Deputy County Executive(s) shall have the authority to act generally for and in place of the County Executive.

§ C-28. Advisory committees, commissions and boards.

Members of all committees, commissions and boards appointed pursuant to § C-25H of this Charter shall serve at the pleasure of the County Executive without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature; provided, however, that in the case of individuals appointed hereunder for definite terms, no removal shall be made until the person to be removed has been served with notice of the reasons for such removal and given an opportunity to be heard publicly if he or she desires thereon by the County Executive. The decision of the County Executive shall be final.

§ C-29. Acting County Executive.

A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive in the event that he or she resigns, dies or certifies in writing and files with the County Clerk a statement that he or she is unable to perform and/or exercise the powers and duties of the

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office of County Executive, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority.

B. Only persons incumbent in County government ~~in positions subject to confirmation by the County Legislature~~ may be designated to any list of succession for possible service as Acting County Executive.

C. If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under subsection C-29 (A) as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections D, E and F of this section. Should the person designated as the first successor be unable to perform and/or exercise the duties of the office, then the person next designated under C-29 (A) shall become the Acting County Executive. ~~If the office of County Executive becomes vacant as a result of resignation or death of the incumbent, the person designated as Acting County Executive shall serve no longer than the earliest date at which it is practicable, in accord with provisions of the New York State Election Law, to fill the position of County Executive for the remainder of the term by election at a regularly scheduled general election.~~

D. If the vacancy in the office of the County Executive occurs more than two hundred seventy (270) days before the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than ninety (90) days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing thirty (30) days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office.

1. The County Board of Elections shall hold the special election no later than ninety (90) days from the date of the vacancy. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on the date of a primary election or the next general election.

E. If said vacancy may be filled by a general election to be held no more than two hundred seventy (270) days after the vacancy occurs, then no special election shall be held, and the vacancy shall be filled by a general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first (1st) day of January next succeeding the vacancy.

~~**D.** At any time during the remainder of the term for which he or she was elected, a person elected as County Executive may file a retraction in writing with the County Clerk of his or her earlier statement of inability to perform and/or exercise the duties of the office and immediately resume service in that office.~~

~~**E.**~~**F.** At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform and/or exercise the duties of the office by competent medical authority, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office so long as he or she has not been replaced at a special or general election.

~~**F.**~~**G.** The designation of an order of succession for the position of Acting County Executive shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County

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Executive filing a new written designation of order of succession. In the absence of such written designation of order of succession, and in the event of the County Executive's inability to perform and exercise the powers and duties of his office, the County Legislature shall appoint a person then serving in a position subject to its confirmation as Acting County Executive.

~~G.~~**H.** The Acting County Executive shall have all the powers and perform all the duties of the County Executive.

§ C-30. Removal of County Executive.

The County Executive may be removed from office only in accord with provisions and in the manner provided in the New York State Constitution and the Public Officers Law.

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Article IV. Financial Procedures

§ C-31. Fiscal year.

The fiscal year of Ulster County shall begin with the first day of January and end with the last day of December of each year.

§ C-32. Duties of County Executive.

It shall be the duty of the County Executive to prepare and file the County expense and capital budgets and capital program for each fiscal year in accordance with the provisions of this Charter and applicable state law. Pursuant to this duty, the County Executive shall have the power, personally or through his or her representatives, to require all necessary information from all departments, agencies, offices or units of County government for the purpose of ascertaining and/or assessing their budgetary requirements.

§ C-33. Departmental, agency, office or unit estimates.

The head of each department, agency, office or unit of County government shall submit to the County Executive, in writing, and through such channels and processes as specified by him or her, an overall estimate for that department, agency, office or unit and estimates by program within that department, agency, office or unit of expected expenses and expected revenues for the next ensuing fiscal year. These estimates shall be called "departmental estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department, agency, office or unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department, agency, office or unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be open to public inspection.

§ C-34. Submission of County budget.

A. On or before the first Friday of October in each year, the County Executive shall submit to the Clerk of the Legislature, for consideration by the County Legislature, a proposed operating and capital budget for the next ensuing fiscal year and a proposed capital program for the next ensuing six fiscal years or other period as may be authorized by law, together with a budget message as provided in § C-35. Upon their submission, the proposed expense and capital budgets, hereinafter called the "County budget," together with the budget message, shall be posted on the County website and become public records in the office of the Clerk for distribution.

B. The proposed County budget shall be balanced, with projected revenues equaling or exceeding estimated expenses for the next ensuing fiscal year, and shall be presented in three sections, one of which shall set forth the estimated revenues and receipts, one of which shall set forth the estimated expenses, and one of which shall set forth the proposed capital authorizations and expenditures. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the

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current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the proposed County budget, prepared in a format that facilitates year-to-year comparison. The proposed County budget shall present the complete financial plan for the County and its agencies for the next ensuing fiscal year, including setting forth proposed borrowing, if any. An estimate of unencumbered balances at the end of each completed fiscal year, except when otherwise provided by law or appropriated for a capital improvement or other authorized continuing project, shall be treated as revenue for the County budget for the next ensuing fiscal year.

§ C-35. Budget message.

The County Executive shall submit with the County budget a budget message summarizing and explaining the main features of the County budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the Legislature may by resolution require. The County Executive's proposed budget shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital improvement proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

§ C-36. Review of County budget and message.

The Legislature or a committee designated by it will review the County Executive's proposed County budget and budget message and may require attendance of the heads of departments, agencies, offices or units or their representatives and/or their production of records and information in explanation of their departmental estimates as the Legislature shall deem appropriate. The Legislature or a committee designated by it shall prepare a written analysis and review of the County Executive's proposed budget and make it publicly available, including posting it on the County government website, no later than the second Friday of November of each year.

§ C-37. Public hearings on County budget.

Beginning no later than the third Friday of November of each year, the Legislature shall hold, in at least three geographically dispersed locations in the County, public hearings on the County Executive's proposed County budget, the budget message submitted by the County Executive, the report resulting from the review and analysis of that budget and message by the Legislature or its designated committee. The Clerk of the Legislature shall cause to be posted on the County website published in the official newspaper of the County and such other newspapers as may be designated by the Legislature notices of the places, locations and times when these hearings shall be held, their purposes, a concise summary of the proposed County budget, budget information, together with copies of the proposed budget, the budget message and the report submitted by the Legislature or its committee may be inspected or obtained by any interested person. At least 10 days shall elapse between the publication of a notice and the date specified for any budget hearing. At a budget hearing any person may be heard. Insofar as necessary and practicable within the deadline for the timely final adoption of the County budget, a budget hearing may be adjourned to a date certain or from day to day.

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§ C-38. Adoption of County budget.

A. After the conclusion of the public hearings, the Legislature may strike items of appropriation or anticipated revenue from the proposed County budget or reduce items therein, excepting appropriations required by law for debt service. The Legislature may add items to or increase items in the County budget, provided that such additions or increases are stated separately and distinctly, and so long as projected expenditures and projected revenues in the County budget remain in balance.

B. The balanced County budget as changed, altered or revised shall be adopted by resolution of the Legislature not later than the second Thursday of December.

C. If the Legislature takes no action by the second Thursday of December, the budget submitted by the County Executive shall be deemed to be the adopted budget.

D. If the County budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be adopted.

E. If, however, the County budget as adopted by the Legislature contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk of the Legislature to the County Executive for examination and reconsideration.

F. If the County Executive approves all the increases, additions, decreases or deletions, he or she shall affix his or her signature to a statement thereof and return the County budget together with such statement to the Clerk of the Legislature, and the County budget, including the increases, additions, decreases or deletions as part thereof, shall be adopted.

G. If the County budget, with any increases, additions, decreases or deletions, is not returned by the County Executive to the Clerk of the Legislature with his or her objections within five working days after presentation by the Clerk to the County Executive, it shall be deemed adopted, as changed, altered or revised by the Legislature.

H. If the County Executive objects to any one or more of the increases, additions, decreases or deletions, the County Executive shall append to the County budget a statement of the increases, additions, decreases or deletions to which the County Executive objects, taking care that his or her proposed changes leave the County budget in balance and setting forth the reasons therefor, and shall, no later than five working days after receipt of the adopted budget from the Clerk of the Legislature, return the County budget with the objections to the Clerk of the Legislature, who shall immediately present them to the Legislature. The Legislature shall thereupon enter the objections upon its records and, not later than the 20th day of December, proceed to reconsider the increases, additions, decreases or deletions to which objection is made by the County Executive. If upon such reconsideration the Legislature, by affirmative vote of at least 2/3 of its elected members, votes to approve any such increases, additions, decreases or deletions, the County budget, with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted as resubmitted by the County Executive so long as balance remains between proposed expenditures and proposed revenues in that budget.

I. If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.

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J. Copies of the County budget as adopted shall be certified by the County Executive and by the Clerk of the Legislature and shall be filed in the offices of the County Executive and the Clerk of the Legislature. The budget so certified shall be posted on the County website and, at the discretion of the Legislature, printed or otherwise reproduced and copies made available to the public at such cost as the Legislature shall deem appropriate. Materials posted to the County website annually during the course of preparation of the County budget may not be removed from public access until the certified County budget for the year is posted in accord with the requirements of this section.

§ C-39. Levy of taxes; inclusion of reserve for uncollected taxes.

A. The net County tax requirement determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the amount of such a sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated expenditures of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year.

B. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

§ C-40. Budget modification after adoption.

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 may not be to reduce the rate of pay or annual salary of any County employee. Written notice of such a transfer shall be given to the Legislature.

B. Upon written request of the County Executive, the Legislature may, during any fiscal year, transfer part or all of any revenue or expenditure from one department, agency, office or unit to another, or transfer part or all of any revenue or expenditure for the purpose of establishing or adding to a new program or programs within or between departments, agencies, offices or units, or transfer funds from a contingency account to a department, agency, office or unit, or change the terms and conditions under which expenditures may be made by a department, agency, office or unit. Any action taken by the Legislature pursuant to this section shall be by resolution subject to the provisions of §§ C-12 and C-14 of this Charter.

C. If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated source but in excess of the budget estimated for it, before such funds may be expended the County Legislature must make supplemental appropriations for the year, not in excess, however, of such additional revenues, whatever their source.

D. If, at any time during the fiscal year, it appears that the revenues available will be insufficient to meet amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount

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of the deficit, remedial action already taken by him or her, and his or her recommendations as to further action. The County Legislature shall take the action or actions that it deems necessary and as authorized by this Charter or state law to prevent or minimize any deficit. For purposes of eliminating or minimizing a potential deficit, the Legislature may, by resolution, reduce one or more appropriations, but no appropriation may be reduced by more than the unencumbered balance remaining for that purpose for the year, nor may any appropriation for debt service be reduced.

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Article V. Department of Health

§ C-41. Commissioner of Health or Public Health Director.

A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. In addition, he or she shall be a licensed physician with experience in public health. He or she shall be appointed by the County Executive in consultation with the Board of Health and with confirmation by the County Legislature and serve at his or her pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause after written notice of charges and an opportunity to be heard.

B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. He or she shall perform such other and related duties required by the County Executive.

§ C-42. Board of Health.

A. Appointment. There shall be a Board of Health consisting of seven members who shall be appointed by the County Executive for a term of five years, subject to confirmation by the Legislature, except that of the members first appointed to the Board of Health following adoption of this Charter, two members shall hold office for the term of one year, two members for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from and after their appointment. Two members shall be physicians. One member shall be a licensed health care professional who is not a physician. One member shall be selected from among three nominees submitted to the County Executive by the Mayor of the City of Kingston. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term in the same manner as specified in this subsection. The members of the County Health Board shall select the Chairman of that Board for a term of one year. No member of the Board of Health shall serve for more than two consecutive terms. Members of the Board of Health shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

B. Powers and duties. The Board of Health shall advise the Commissioner of Health or Public Health Director, the County Executive and the Legislature in matters relating to the Department of Health. The members of the Board of Health shall further have the power to inspect and review all facilities and programs of the Department of Health, with or without notice to the Commissioner of Health or Public Health Director, and as it regards as necessary and desirable may report and make recommendations to the County Executive, the County Legislature and Commissioner of Health or Public Health Director. All such reports shall be public records, posted on the website of the County government and made available for inspection at the offices of the Commissioner of Health or Public Health Director and the County Executive at all reasonable times. The Board of Health shall also advise and consult with respect to all capital projects necessary for the Department of Health. The Board of Health shall have and exercise such other and related duties required by the Legislature or the County Executive.

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§ C-43. Medical Examiner.

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s), accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. He or she shall be a physician duly licensed to practice his or her profession in the State of New York and shall:

A. Be trained to investigate causes of death and order autopsies;

B. Conduct community education as prescribed by the New York State Department of Health.

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Article VI. Department of Mental Health

§ C-44. Commissioner of Mental Health.

A. There shall be a Department of Mental Health, headed by a Commissioner of Mental Health. The Commissioner of Mental Health shall be experienced in public mental health administration and meet the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. He or she shall be appointed by the County Executive in consultation with the Community Services Board and with confirmation by the County Legislature and serve at his or her pleasure.

B. Powers and duties. Except as otherwise provided in the Charter, the Commissioner of Mental Health shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law. He or she shall perform such other and related duties required by the County Executive.

§ C-45. Community Services Board.

There shall be a Community Services Board of 15 members who have demonstrated interest in behavioral health services, one member of whom must be a licensed physician and one of whom must be a licensed physician or licensed psychologist. There shall be disability subcommittees of nine members each, three members of whom must also be currently serving Community Service Board members, who shall be appointed by the County Executive after consideration of the recommendations of the Community Services Board for terms of four years, subject to confirmation by the Legislature. No Board member or subcommittee member shall serve more than eight years. The Chairman of the Community Services Board shall be selected by the members of the Board for a term of one year.

A. The Board shall advise the Commissioner of Mental Health, the County Executive and the Legislature on matters relating to the Department of Mental Health. The members of the Board shall further have the power to inspect and review all facilities and programs of the Department of Mental Health, with or without notice to the Commissioner of Mental Health, and may report and make recommendations to the County Executive, County Legislature and Commissioner of Mental Health. All such reports shall be deemed public records, posted on the website of the County government, and be available for inspection at the office of the Department of Mental Health and the County Executive at all reasonable times. The Board shall also advise and consult with respect to all capital projects necessary for the Department of Mental Health. The Board shall have and exercise such other and related duties required by the Legislature or the County Executive.

B. If a vacancy shall occur other than by expiration of a term, it shall be filled by the County Executive for the balance of the term in the same manner as the original appointment.

C. Members of the Community Services Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

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Article VII. Department of Planning

§ C-46. Appointment of Director of Planning.

There shall be a Department of Planning, headed by a Director of Planning. The County Executive shall appoint the Director of Planning from among three nominees given him or her by the Ulster County Planning Board, subject to confirmation by the Legislature. The Planning Board may nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. In the event that the County Planning Board fails to bring forward to the County Executive three recommendations for the position within 90 days of the occurrence of a vacancy, the County Executive shall make the appointment on his or her own initiative, subject to confirmation by the Legislature. The Director of Planning shall serve at the pleasure of the County Executive.

§ C-47. Powers and duties of Planning Board and Director.

Except as may otherwise be provided in this Charter, the County Director of Planning and Planning Board shall have all the powers and perform all the duties conferred and/or imposed in the Charter, state law or the County Administrative Code upon a county director of planning or a county planning board. The Director of Planning and/or the County Planning Board shall perform such other and related duties as required by the County Executive or County Legislature. These powers shall include, but not be limited to:

A. Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;

B. Preparing and maintaining a comprehensive plan and annual planning program for the County as set forth in § C-52 of this article and attendant provisions of the Administrative Code;

C. Assisting in the preparation of a capital improvement program as may be set forth in this Charter and attendant provisions of the Administrative Code;

D. Exercising the powers of review and approval over land use pursuant to § C-51 of this article and attendant provisions of the Administrative Code;

E. Making available, within constraints of available resources, the professional staff of the Department of Planning for advice regarding planning to the City of Kingston and the towns and villages within the County;

F. Maintaining basic data on the County's population, land use, housing, environmental status, human and natural resources and other such matters and performing studies, analysis, plans and recommendations as may be necessary in the exercise of the powers and performance of the duties set forth in this article; and

G. Acting as host board with regard to the Ulster County Transportation Council.

§ C-48. Additional duties of Director of Planning.

The Director of Planning shall:

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A. Exercise the duties and responsibilities accorded him or her under the bylaws adopted by the County Planning Board;

B. Serve ex officio on the County Environmental Management Council;

C. Serve ex officio on the County Agricultural Farmland Protection Board; and

D. Act as liaison between County agencies and nonprofit bodies involved in economic and community development for which the County provides funding.

§ C-49. County Planning Board.

A. There shall be a County Planning Board consisting of 25 members and associated alternate members. Members and their alternates shall be appointed by the County Legislature to serve for four-year terms. The Town Board or Village Board of each town and village in Ulster County shall recommend for consideration and appointment by the Legislature one person and one alternate from that town or village. The City of Kingston shall recommend for consideration and appointment by the Legislature two persons and two alternates from that city. The County Commissioner of Finance, the Commissioner of Public Works, and the Chairman of the Environmental Management Council shall serve ex officio but shall not have voting rights. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment. The Chairman of the Planning Board shall be selected by the Board from among members nominated by the city, towns, and villages and shall serve a one-year term. If the number of municipalities in Ulster County is reduced or increased, the membership of this Board shall be concomitantly reduced or increased, with members proposed and appointed in the manner described in this section.

B. An alternate member shall have the right to vote only on the occasion of absence, conflict of interest, or required abstention under law of the member for whom he or she serves as alternate.

C. Continuation of Board.

(1) The terms of existing County Planning Board members shall remain in effect until such time as the member is either reappointed or the term of the member ends; and

(2) The term of office of each member of the Ulster County Planning Board, so appointed, shall be for a period of four years and the appointment of a successor to any member of the said County Planning Board shall also be for a term of four years, except that an appointment to fill a vacancy in the office of a member of said County Planning Board occurring by reason of death, resignation or other cause shall be made for the unexpired term of said office.

D. The members of the Planning Board shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available for this purpose. The Planning Board may adopt, by a majority vote of its total membership, such additional rules and procedures as are necessary for the efficient and orderly conduct of its business.

§ C-50. Additional powers and duties of Planning Board.

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A. To consult with and advise the Director of Planning in the performance of his or her duties.

B. To review the capital improvement program prepared by the Department of Planning and guidelines for its preparation; to make written recommendations to the County Executive and the County Legislature on all capital projects contained in the program and on the priority of capital projects in the first year of the program; and to review and make written recommendations on any capital project additions to the capital improvement program or capital budget.

C. To review the Comprehensive Plan and to submit its recommendations on it to the County Executive and to make recommendations on any proposed amendments to that plan prior to action being taken on such amendments by the County government and to review procedural guidelines for the coordination and preparation of the Comprehensive Plan and annual planning program.

D. To conduct studies and review County policies and standards for inclusion in the Comprehensive Plan and to make recommendations regarding such policies and standards to the County Executive and Legislature as it sees fit.

E. To have all the powers and duties assigned to a county planning board under Article 12-B of the General Municipal Law.

§ C-51. Review and approval over land use.

A. Review of land use and subdivisions. Except as may otherwise be provided in this Charter, the County Planning Board shall possess, exercise and perform all of the powers, functions and duties granted to and imposed upon a County Planning Board under and pursuant to Article 12-B of General Municipal Law as the same may be amended from time to time.

B. Advisory review on land use. The County Planning Board shall have the power to review, with the right to render advisory reports only, over land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B.

C. Advisory reviews on actions by County departments and other County agencies. Before adopting any final plans, policies or standards on services or capital facilities and before making any recommendation to the County Legislature on any such plans, policies or standards, on the acquisition or sale of land, on major changes in the use of land or on site plans for any County building or buildings, the respective County department or other County agencies shall refer such proposals to the Director of Planning for a written report of his or her recommendations. The Director of Planning shall prepare and submit his or her recommendation to the respective department and the County Executive.

§ C-52. Comprehensive Plan and annual planning program.

A. Comprehensive Plan required. The County shall have and maintain an official plan for the comprehensive social, physical, environmental and economic development of the County, focusing primarily on the services, functions and responsibilities of County government with consideration of regional needs and the official plans of other governmental units and agencies within the County. The contents of the plan may include but shall not be limited to those areas contained in Article 12-B of the General Municipal Law, § 239-d. The County Planning Board shall cause such plan to be developed in conjunction with the County Executive, who

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shall submit this plan or any of its elements or parts for adoption by the County Legislature. The contents of this plan shall be set forth in the Administrative Code and posted on the County website. The procedures for the preparation, submission and adoption of this plan, and/or any amendments to it, shall be in accordance with General Municipal Law § 239-d.

B. Intent of Comprehensive Plan. The Comprehensive Plan is intended to serve as a guide for achieving the broad social, physical, environmental and economic development objectives of the County. The plan is intended to give direction to the actions of the County Legislature, and of all County departments and agencies that affect the development of the County, and is intended to guide all official County plans and policies concerning human resources, public safety services, physical and environmental resources and land use. Although the authority of the plan over the actions of local governments and private interests is limited to the authority set forth in General Municipal Law § 239-d, the plan is intended to serve as general guide to these actions as they affect the development of the County. The plan, through its development and continuing amendment, is intended to serve as a means for reviewing, modifying and integrating all plans of local governments and private entities.

C. Adoption. The County legislative body may adopt by resolution a County Comprehensive Plan or any amendment thereto.

D. Filing of adopted County Comprehensive Plan. The adopted County Comprehensive Plan and any amendments thereto shall be filed in the office of the County Clerk and a copy thereof filed in the office of the County Planning Board, with the Secretary of State, as well as with the Clerk of each municipality within the County.

E. Effect of adoption.

(1) All County land acquisitions and public improvements, including those identified in the County Official Map adopted or amended pursuant to this article, shall be in accordance with a County Comprehensive Plan, if one exists; and

(2) All plans for capital projects of a municipality or state governmental agency on land included in the County Comprehensive Plan adopted pursuant to this section shall take such plan into consideration.

F. Periodic review. The County Legislative Body shall provide, as a component of such proposed County Comprehensive Plan, the maximum intervals at which the adopted plan shall be reviewed.

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Article VIII. Department of Finance

§ C-53. Commissioner of Finance.

A. There shall be a Department of Finance under the direction of a Commissioner of Finance. The Commissioner of Finance shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. He or she shall be appointed on the basis of his or her experience and qualifications in financial administration and other specified duties of this office and shall be directly responsible to the County Executive.

B. Powers and duties. The Commissioner of Finance shall:

(1) Have charge of the administration of all the financial affairs of the County;

(2) Collect, receive, have custody of, deposit and disburse all revenues, fees and other funds of the County or for which the County is responsible;

(3) Act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York;

(4) Have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Procedure Act of the State of New York, except that any and all fees received in the performance of such duties shall be the property of the County of Ulster;

(5) Perform all duties specified in law for County treasurers or other County officers relating to the collection of taxes;

(6) Submit a complete statement of County finance to the County Executive and the County Legislature on or before the first day of March and at such other times as either may require; ~~and~~

(7) Have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of finance and perform such other duties required by the County Executive or County Legislature~~.~~;

(8) Be the chief accounting officer of the County; and

(9) Maintain the financial books and records for all units of County Government unless otherwise required by law.

§ C-54. Transition.

The person serving as County Treasurer immediately prior to the time this Charter takes effect shall serve as Commissioner of Finance until the end of December 31, 2009, at which time the elected office of County Treasurer shall be abolished, and after which the Commissioner of Finance shall be appointed as provided herein.

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§ C-55. Deputy Commissioners and staff.

The Commissioner of Finance, subject to approval by the County Executive, shall designate in writing, and in order of succession, the deputies and/or assistants who shall be Acting Commissioner of Finance in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. That designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession. The Acting Commissioner of Finance shall have all the powers and perform all the duties of the Commissioner.

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Article IX. Comptroller

§ C-56. Election; term; qualifications.

There shall be a Comptroller, who shall be elected from the County at large in the first even-numbered year following the adoption of this Charter for a term of two years, and in the second even-numbered year following the adoption of this Charter for a term of three years, and thereafter in the first odd-numbered year and each subsequent odd-numbered year in which a County Executive is not chosen for a term of four years beginning with the first day of January next following his or her election. At the time of his or her nomination and election, and throughout his or her term of office, the Comptroller shall be and remain a qualified elector of Ulster County.

§ C-57. Powers and duties.

The Comptroller shall be the chief ~~accounting and~~ auditing officer of the County. Except as may otherwise be provided in this Charter he or she shall:

A. Examine, audit, and verify all books, records, and accounts kept by the ~~various~~ administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except where precluded by law. The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1st of each year, at least five (5) working days prior to it being made public;

B. Procure from the depositories with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and reconcile such statements with the County accounts;

C. ~~Maintain~~ Audit records of appropriations, encumbrances and expenditures, and prescribe ~~approved~~ generally accepted government accounting methods ~~of accounting for~~to be used by all units of County government, unless otherwise required by the State Comptroller;

D. Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;

E. Prescribe the form ~~of~~ for records of appropriation, encumbrances, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;

F. Audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;

G. As he or she determines necessary or appropriate, audit any department, program or function of County government to assess the degree to which its operation is economical, efficient and/or effective;

H. To conduct studies and investigations in furtherance of his or her functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable;~~For the purpose of carrying out his or her powers and duties, have the power to require the attendance of and take the testimony under oath of such persons as the Comptroller may deem necessary;~~

I. Submit to the County Legislature and Executive, and post on the County website as frequently as he or she deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed; ~~and~~

J. Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties required by the County Executive or County Legislature~~.~~; and

K. Submit to the Legislature and Executive any Comptroller's report or audit five (5) working days prior to it being made public.

§ C-58. Deputy Comptrollers and staff.

The Comptroller shall have the power to appoint such Deputy Comptrollers, assistants and employees in his or her office as shall be authorized by the County Legislature. All such appointees shall be qualified by education and/or experience and shall be directly responsible to, and serve at the pleasure of, the Comptroller, subject to applicable law.

§ C-59. Acting Comptroller.

The Comptroller shall designate in writing, and in order of succession, the Deputy Comptrollers and assistants who shall be Acting Comptroller in the event of his or her absence from the County or inability to perform and exercise the powers and duties of this office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Comptroller filing a new written designation and order of succession. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.

§ C-60. Vacancy.

A. Intent. The intent of this section is to ensure that a vacancy ~~in the~~of County-wide elected ~~office of the~~ Comptroller is filled by popular election as expeditiously as possible.

B. ~~Vacancy filled by County Legislature.~~Filling Comptroller Vacancy. If a vacancy occurs in the ~~o~~Office of the Comptroller of Ulster County for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully qualified by law to hold that office by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two (2) weeks after the vacancy occurs, and no later than one (1) month after the vacancy occurs.

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C. Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first election day at which a popular election may be held under law to fill this position.

D. Election; person to serve for duration of unexpired term. The person chosen at popular election, held as soon as practicable on a general election day under state law to fill a vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.

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Article X. Department of Personnel

§ C-61. Personnel Director.

A. There shall be a Department of Personnel, headed by a Personnel Director. The Personnel Director shall be appointed by the County Executive in accord with requirements of education, experience, and other qualifications set out in state law, and subject to confirmation by the County Legislature, except that if the Personnel Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard.

B. Powers and duties. The Personnel Director shall develop and administer a personnel program for the County, be the principal liaison with employee labor unions, advise the County Executive in collective bargaining, and have and exercise all the powers and duties as provided in the Civil Service Law in this state and all the powers and duties conferred or imposed upon him or her by any other law. He or she shall also perform such other and related duties required by the County Executive.

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Article XI. Department of Social Services

§ C-62. Commissioner of Social Services.

A. There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He or she shall be appointed on the basis of his or her professional experience and other qualifications for the responsibilities of his or her office. He or she shall be directly responsible to and serve at the pleasure of the County Executive, except that if the Commissioner of Social Services is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard.

B. Powers and duties. Except as may otherwise be provided in the Charter, the Commissioner shall manage and/or supervise all social services institutions and facilities owned or operated by the County. In addition, he or she shall have all the powers and perform all the duties conferred or imposed by the State Social Services Law or any other law upon a county commissioner of social services and perform such other related duties required by the County Executive or County Legislature.

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Article XII. Department of Public Works

§ C-63. Commissioner of Public Works.

A. There shall be a Department of Public Works headed by a Commissioner of Public Works who shall be appointed on the basis of his or her experience and qualifications for office by the County Executive to serve at his or her pleasure, subject to the confirmation by the County Legislature.

B. Powers and duties. Except as otherwise provided in this Charter, the Administrative Code or state law, the Commissioner of Public Works shall:

(1) Have all powers and duties of a county engineer and a county superintendent of highways, pursuant to the Highway Law or other applicable law;

(2) Have such powers and duties in relation to County facilities for drainage, flood control, sanitation, sewage, or water supply as may be prescribed by the County Legislature;

(3) Furnish engineering and other services to the County Legislature, County Executive, the Department of Planning and other County departments as authorized;

(4) Have charge of and have the duty of performing such other functions concerning County real and personal property, public works and other matters as the County Executive and Legislature may, from time to time, direct;

(5) Have charge and supervision of routine maintenance of equipment, repair and storage buildings and facilities used by the Department, including highway substations, and all parking areas serving these facilities;

(6) Have charge and supervision of the design, construction and alteration of the County buildings, parking fields and lots, drives, walks, preserves, beaches, and other public structures and facilities under the jurisdiction of the County;

(7) Have charge and supervision of maintenance, repair and alteration of buildings owned or leased by the County, parking fields and lots, drives, walks, preserves, beaches and other public structures and facilities under the jurisdiction of the County, including custodial care; and

(8) Except as otherwise provided in this Charter and subject to the requirements of state law, have the authority to appoint and remove all officers and employees of the Department of Public Works.

§ C-64. Acting Commissioner of Public Works.

A. Subject to approval by the County Executive, the Commissioner of Public Works shall specify in writing, and in order of succession, the Deputy Commissioner or Deputy Commissioners and/or other assistants who shall be Acting Commissioner of Public Works in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. This specification shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession.

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B. The designated Deputy Commissioner of Public Works shall be Acting Commissioner of Public Works in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of the office for no more than 30 days. If the absence or inability of the Commissioner of Public Works shall extend for over 30 days or in the event there is no designated deputy, an Acting Commissioner of Public Works shall be appointed by the County Executive, subject to the County Legislature's confirmation, for a period not to exceed a total of 180 days in addition to the initial thirty-day period, or for the entire two-hundred-ten-day period as appropriate. If the inability of the Commissioner of Public Works shall extend over 210 days, the County Executive, subject to County Legislature confirmation, shall appoint a Commissioner of Public Works. An Acting Commissioner of Public Works shall file his or her designation and oath of office as such with the County Clerk.

C. An Acting Commissioner of Public Works shall have all the powers and duties of the Commissioner during the period of his or her designation and until his or her successor shall be appointed and qualified under this section or until a new Commissioner of Public Works is appointed and qualified pursuant to law.

§ C-65. Engineering Division.

There shall be an Engineering Division within the Department of Public Works staffed by licensed mechanical and structural engineers, responsible to the Commissioner of Public Works and under his or her supervision, charged with planning, supervision and oversight of construction and rehabilitation projects for all County highways, structures, water, sewer and flood control projects and other County facilities.

§ C-66. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works and to provide for the enforcement thereof.

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Article XIII. Department of Public Transportation

§ C-67. Director of Public Transportation.

A. There shall be a Department of Public Transportation, headed by a Director who shall be appointed by the County Executive on the basis of his or her experience and qualifications for office to serve at the pleasure of the County Executive, subject to confirmation by the County Legislature.

B. Powers and duties. The Director of Public Transportation shall:

(1) Operate and manage a bus transit system, hereinafter referred to as the "Ulster County Area Transit System," for the County of Ulster;

(2) Develop and maintain liaison with other governments, County government agencies, not-for-profit organizations and private carriers regarding the financing, planning, coordination and delivery of transit services to County residents;

(3) Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property relating to the Ulster County Area Transit System; and

(4) Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.

§ C-68. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for the use of facilities and equipment under the jurisdiction of the Department of Public Transportation and to provide for their enforcement.

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Article XIV. County Attorney

§ C-69. Appointment and qualifications.

There shall be a County Attorney, who shall be appointed by and serve at the pleasure of the County Executive. The County Attorney shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the County. He or she shall also have been duly admitted to the practice of law in this state and at all times during his or her term of office and shall devote his or her full working time to the duties of the office.

§ C-70. Powers and duties.

The County Attorney shall:

A. Be the sole legal advisor for the County;

B. Advise all County officers, departments, agencies and units in all County legal matters of a civil nature;

C. Prosecute or defend all actions or proceedings of a civil nature brought by or against the County;

D. Prepare all necessary legal papers and instruments pertaining to the County government, exclusive of the preparation of local laws, resolutions, legalizing acts or other legislation or memoranda and opinions in support thereof, which fall within the purview of the Counsel to the Legislature; and

E. Have all the powers and perform all the duties conferred or imposed by law upon a county attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

§ C-71. Assistant County Attorneys.

The County Attorney shall have the power to appoint Assistant County Attorneys as may be authorized by the County Legislature. All Assistant County Attorneys shall serve at the pleasure of the County Attorney.

§ C-72. Special counsel.

The County Attorney shall have the power to retain special counsel where necessary and within appropriations made therefor by the County Legislature.

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Article XV. Department of Information Services

§ C-73. Director of Information Services.

A. There shall be a Department of Information Services under the direction of the Director of Information Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at his or her pleasure. The Director of Information Services shall be appointed on the basis of his or her professional training and experience and other qualifications for the responsibilities of that office.

B. Powers and duties. The Director of Information Services shall be the chief administrative officer of the Department. Except as may otherwise be provided in this Charter, he or she shall have all the powers and perform all the duties conferred or imposed by law upon a county director of information services and shall perform such other related duties required by the County Executive or County Legislature.

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Article XVI. Department of Purchasing

§ C-74. Director of Purchasing.

A. There shall be a Department of Purchasing headed by a Director of Purchasing who shall be appointed by the County Executive on the basis of his or her experience and qualifications for the office to serve at his or her pleasure, subject to confirmation by the County Legislature.

B. Powers and duties. The Director of Purchasing shall:

(1) In accordance with the requirements for advertising and competitive bidding, authorize all purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for the County;

(2) Approve and execute certain contracts as shall be prescribed by the Administrative Code;

(3) Establish and enforce suitable specifications and standards for all supplies, materials and equipment to be purchased for the County; and

(4) Perform such other and related duties as shall be required and delegated by the County Executive or County Legislature.

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Article XVII. Real Property Tax Service Agency

§ C-75. Director of Real Property Tax Service.

There shall be a Real Property Tax Service Agency under the direction of a Director of Real Property Tax Service, who shall be appointed by the County Executive subject to confirmation by the County Legislature and shall serve at his or her pleasure. At the time of his or her appointment, and throughout his or her term of office, he or she shall possess such qualifications as may be required by law, and he or she shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Director of Real Property Tax Service is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard.

§ C-76. Agency powers and duties.

The Real Property Tax Service Agency shall:

A. Have all the powers and perform all the duties conferred or imposed by law upon the County regarding the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their responsibilities;

B. Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law; and

C. Perform such other and related duties required by the County Executive or County Legislature.

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Article XVIII. Department of Public Defender

§ C-77. Public Defender.

A. There shall be a Department of Public Defender under the direction of a Public Defender, who shall be appointed by the County Executive subject to confirmation by the County Legislature and serve at his or her pleasure. At the time of his or her appointment, the person appointed as Public Defender shall have been duly admitted to the practice of law in this state for at least five years, and throughout his or her term of office, the Public Defender shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of his office and devote his or her full working time to the duties of the office.

B. The Public Defender shall:

(1) Provide legal representation, without charge, as directed by a court of appropriate jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime, or who are entitled to assigned counsel pursuant to the Family Court Act or other statutory provision;

(2) Except as otherwise provided in this Charter, have all the powers and perform all the duties conferred or imposed by law upon his or her office; and

(3) Perform such other and related duties required by the County Executive or County Legislature.

§ C-78. Deputy and Assistant Public Defenders and staff.

The Public Defender shall have the power to appoint such Deputy and Assistant Public Defenders, investigators and employees of his or her Department as shall be authorized by the County Legislature. At the times of their appointments, and throughout their terms of office, all Deputy and Assistant Public Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant Public Defenders, investigators and employees of the Department shall be directly responsible to, and serve at the pleasure of, the Public Defender, except as otherwise provided by the Charter, Administrative Code or applicable law.

§ C-79. Acting Public Defender.

The Public Defender, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant Public Defenders who shall be Acting Public Defender in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Public Defender filing an approved new written designation and order of succession. The Acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

§ C-80. Special counsel.

The Public Defender shall have the power to retain special counsel where necessary and within appropriations made therefor.

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Article XIX. County Clerk

§ C-81. Election and qualifications.

There shall be a County Clerk who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The County Clerk, at the time of his or her election and at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ C-82. Powers and duties.

The County Clerk shall:

A. Have and exercise all powers and duties conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or the Legislature;

B. Appoint such deputies, officers and employees of the Department as may be authorized by resolution of the County Legislature; and

C. Serve as the County's records management officer, or such successor office as may be established under state law, with all powers and duties of such office, and in this capacity provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature.

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Article XX. Sheriff

§ C-83. Election and qualifications.

There shall be a Sheriff who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The Sheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ C-84. Powers and duties.

The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature, or order or direction of the County Executive, not inconsistent with those powers and duties vested in his or her office under the laws and constitution of New York State.

§ C-85. Undersheriff.

Within 10 days after entering upon the duties of the office, the Sheriff shall appoint an Undersheriff to serve at the pleasure of the Sheriff as provided by law. The Undersheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ C-86. Deputies.

The Sheriff shall have the power to appoint such deputies as may be authorized by the County Legislature, subject to the requirements of law and contract.

Article XXI. District Attorney

§ C-87. Election and qualification.

There shall be a District Attorney who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The District Attorney shall, at the time of his or her election and at all times during his or her term of office, be a qualified elector of the County, fully admitted to the practice of law in this state, and devote his or her full working time to the duties of the office.

§ C-88. Powers and duties.

The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties conferred upon his or her office under the laws and constitution of New York State.

§ C-89. Assistant District Attorneys.

The District Attorney shall have the power to appoint Assistant District Attorneys as may be authorized by the County Legislature. All Assistant District Attorneys shall serve at the pleasure of the District Attorney.

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Article XXII. Fire Coordinator and Fire Advisory Board

§ C-90. Fire Coordinator.

A. Appointment. There shall be a Fire Coordinator who shall be appointed by and serve at the pleasure of the County Executive. He or she shall be appointed based upon his or her education, experience and qualifications to perform the duties of the office, subject to the confirmation of the County Legislature.

B. Powers and duties. The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen are required. He or she shall act as the chief liaison between the County government and the fire-fighting forces in the County and their governing boards and bodies and shall perform such other duties as the County government may require or the County Executive may direct.

§ C-91. Fire Advisory Board.

There shall be a County Fire Advisory Board, which shall be appointed as provided by law. Members of the Fire Advisory Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

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Article XXIII. Office for the Aging

§ C-92. Director of the Office for the Aging.

A. There shall be an Office for the Aging, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive. He or she shall be appointed based upon his or her education, experience and qualifications to perform the duties of the office and subject to the confirmation of the County Legislature.

B. Powers and duties. The Director of the Office for the Aging shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.

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Article XXIV. Consumer Fraud Bureau

§ C-93. Director of Consumer Affairs.

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 perform such other and related duties required by the County Executive or County Legislature.

§ C-94. Director of Weights and Measures.

The Director of Consumer Affairs shall serve ex officio as the Director of Weights and Measures and shall have all the powers and perform all the duties now or hereafter conferred or imposed on this office by law.

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Article XXV. Veterans' Service Agency

§ C-95. Director of Veterans' Service.

There shall be a Veterans' Service Agency headed by a Director of Veterans' Service who shall be appointed by the County Executive on the basis of his or her education and experience qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and serve at the County Executive's pleasure. He or she shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.

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Article XXVI. Department of Probation

§ C-96. Director of Probation.

There shall be a Department of Probation, headed by a Director of Probation. The Director shall be appointed by the County Executive subject to the confirmation of the County Legislature, in accordance with Executive Law.

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Article XXVII. Board of Elections

§ C-97. Appointment; term; powers and duties.

There shall be a Board of Elections, whose members shall be appointed by the County Legislature in the manner provided by law, and who shall serve at its pleasure unless otherwise required by law. The Board's powers and duties shall be as provided by law.

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Article XXVIII. County Jury Board; Commissioner of Jurors

§ C-98. Powers and duties.

There shall be a County Jury Board and a Commissioner of Jurors, appointed pursuant to law, who shall have and exercise all the powers and perform all the duties now or hereafter conferred or imposed upon them by law. The Commissioner shall serve as an officer of the Court and formulate panels of grand and trial jurors, maintain jury service records and initiate action to sanction jurors who violate the law.

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Article XXIX. Department of Residential Health Care Facilities

§ C-99. Director of Residential Health Care Facilities.

A. There shall be a Department of Residential Health Care Facilities headed by a Director. The Director of Residential Health Care Facilities shall have the qualifications of a nursing home administrator. She or he shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.

B. Powers and duties. The Director shall have and exercise all powers and duties heretofore or hereafter lawfully granted or imposed by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable her or him to manage and supervise the Golden Hill Health Care Center and/or any other similar institution of the County.

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Article XXX. Commission of Human Rights

§ C-100. Commissioner of Human Rights.

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.

§ C-101. Membership; duties; appointments; terms of office.

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.

B. The Commission of Human Rights shall have 11 members appointed to terms of three years, three members of whom shall be appointed by the legislative Chairman, three members by the legislative minority leader, and five members by the County Executive, one of whom shall be designated by him or her as the Commission Chairman. 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 two terms of three years.

§ C-102. Authority.

The Commission of Human Rights shall have all of the authority, responsibility, obligations, powers and duties set forth in Article 12-D of the General Municipal Law and shall also have the authority to create bylaws for its own governance, proceedings and activities.

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Article XXXI. County Historian

§ C-103. Appointment; powers and duties.

There shall be a County Historian who shall be appointed by the County Executive pursuant to New York State Arts and Cultural Affairs Law, subject to confirmation by the County Legislature. The County Historian shall preserve, interpret and promote the history of Ulster County and shall have all the powers and perform all the duties conferred or imposed by applicable law.

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Article XXXII. Ulster County Community College

§ C-104. Continued operation; Board of Trustees.

Ulster County Community College, heretofore established pursuant to the Education Law of the State of New York, shall continue to operate in accordance with all applicable laws of the State of New York and additionally with applicable provisions of this Charter. The Board of Trustees shall continue as provided by law, except that the power of appointment of those Trustees authorized by state law to be appointed by the local sponsor is transferred to and shall be exercised by the County Executive, subject to confirmation by the County Legislature. Members of the Ulster County Community College Board of Trustees shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

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Article XXXIII. Board of Ethics

§ C-105. Purpose and intent.

Ethical conduct by public officers and employees assures public confidence in County government. In addition to and not in any way in conflict with germane provisions of Article 18 of the General Municipal Law of New York State or any other general or special state law relating to ethical conduct and interest in contracts of municipal officers and employees, this article, the Code of Ethics of the County of Ulster, and attendant provisions of the County Administrative Code provide rules of ethical conduct for the officers and employees of the County of Ulster and methods for assuring adherence to them.

§ C-106. Membership; appointment; compensation.

There shall be a Board of Ethics consisting of five members appointed by the County Executive, subject to the confirmation of the County Legislature. Board of Ethics members shall serve without compensation and at the pleasure of the County Executive. No more than two members shall be of the same political party. Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-107. Powers and duties.

A. The Board of Ethics shall render advisory opinions to the officers and employees of the County of Ulster with respect to Article 18 of the General Municipal Law, the Code of Ethics of the County of Ulster, and Administrative Code. Such advisory opinions shall be rendered in response to written request from any such officer or employee under such rules and regulations as the Board may prescribe.

B. The Board may also accept from the general public or from any of its own members a complaint or allegation of conflict of interest of any officer or employee of Ulster County. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there appears to be merit in the complaint or allegation, it shall send a written invitation to the officer or employee in question to appear at a private meeting of the Board and explain the apparent conflict of interest. Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest, the Board shall send a written report on the matter to the County Executive. The report shall not be made public except by the County Executive or by the unanimous vote of the Board.

C. In addition, the Board may make recommendations with respect to the County Code of Ethics or amendments thereto upon the request of the Ulster County Legislature.

D. The Board, upon its formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Clerk of the Ulster County Legislature.

E. The Board shall not act with respect to the officers and employees of any municipality located within the County or agency thereof where such municipality has established its own Board of Ethics, except that the local board may, at its option, refer matters to the County Board.

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Article XXXIV. Periodic Compensation Review Committee

§ C-108. Establishment; membership; compensation.

There is hereby established a Periodic Compensation Review Committee for Ulster County. The Committee shall consist of five members of whom three members shall be selected by the County Legislature with at least one member from the party with the second most number of legislative members. Two Committee members, not of the same political party, shall be appointed by the County Executive. Initial appointments to the Committee shall be made no later than April 1 in the year after this Charter is first effected. As soon as practicable after April 1 of the year, members shall be called together by the County Executive to select a Chairman from amongst their number. No member of the Periodic Compensation Review Committee shall hold an elected or appointed position in Ulster County or be compensated in whole or in part from County funds at the time of his or her appointment and during his or her term of membership. Members of the Compensation Review Committee shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-109. Terms of office; limits of service; filling vacancies.

One executive appointee of the Periodic Compensation Review Committee shall serve an initial term of two years and the other an initial term of three years, with appointments thereafter being for a term of three years. One legislative appointee to the Committee shall serve for an initial term of one year, one for an initial term of two years and one for an initial term of three years, with appointments thereafter being for a term of three years. No Committee member shall serve more than eight years. Appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term shall be made for the unexpired term. Vacancies shall be filled and the appointments of successors shall be made by the appointing authority responsible for the original appointment.

§ C-110. Duties.

At the call of its Chairman, beginning July 1 following its establishment and at least every second year thereafter, the Committee shall review the salaries of all elected officials of the County of Ulster. In the course of its deliberations, the Committee shall hold at least one public hearing and shall otherwise provide ample opportunity for public comment. The Committee shall provide its recommendations and the rationale for them to the County Executive and the County Legislature no later than September 30 of the same year in which it convened, except that the Committee shall not make recommendations concerning compensation of elected officials for whom, by law or judicial determination, the County Legislature does not have the power to fix compensation. Immediately upon their delivery to the County Executive and the County Legislature, the recommendations of the Committee shall be filed with the Clerk of the Ulster County Legislature and posted on the County website. All changes in salaries for elected officials shall be made by local law.

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Article XXXV. Environmental Management Council

§ C-111. Membership; terms of office; limits of service; compensation.

There shall be an Ulster County Environmental Management Council comprised of one member from each city, town and village environmental council and commission within the County, nominated by the governing body of that city, town or village and appointed by the County Executive with the confirmation of the Legislature for a term of three years, and up to an equal number of at-large appointees appointed by the County Executive with the confirmation of the Legislature for a term of three years, and the County Director of Planning, serving ex officio. The presiding officer of the Environmental Management Council shall be chosen annually by its members from among their members but shall not be an employee of the County of Ulster. Except those in an ex officio capacity, no person may serve on the Environmental Management Council for more than six years. Members of the Ulster County Environmental Management Council shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-112. Powers and duties.

Except as otherwise provided in this Charter, the Ulster County Environmental Management Council shall:

A. Advise the County Executive and the County Legislature on all matters affecting the preservation, conservation and ecologically suitable use of the natural resources of the County;

B. Review the condition of the County environment as a whole and prepare and submit an annual report of its findings to the County Executive and the County Legislature, which report shall also include an account of the Council's activities and accomplishments based on accurate records of its meetings and other works;

C. In cooperation with the County Planning Agency and other appropriate agencies, prepare a plan for the protection of the County's environment and the management of its natural resources. To the extent practicable, the preparation, content and subsequent revision, if any, of the County environmental plan shall be coordinated with the state environmental plan and a copy of this County plan and any subsequent revisions of it shall be filed with the State Commissioner of Environmental Conservation;

D. Investigate and recommend to the County governing body ecologically sound methods for use of the County's resources; and

E. Cooperate with and assist such other governmental or nongovernmental boards or organizations on the preparation of plans or reports or review of proposals or applications as the County may direct.

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Article XXXVI. Department of Emergency Communications/Emergency Management

§ C-113. Director Emergency Communications/Emergency Management; Office of Civil Defense.

A. There shall be a Department of Emergency Communications/Emergency Management headed by a Director of Emergency Communications/Emergency Management appointed on the basis of his or her experience and qualifications for the duties of the office by the County Executive to serve at his or her pleasure, subject to the confirmation by the County Legislature. The Department of Emergency Communications/Emergency Management shall be the Office of Civil Defense for the County of Ulster.

B. Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of Emergency Communications/Emergency Management shall:

(1) Have charge and supervision of emergency services dispatching and disaster preparedness;

(2) Assist the County Executive and the County Legislature as required and directed in fulfilling their responsibilities in the area of disaster preparedness under the Executive Law or any other law, rule or regulation;

(3) Act in accordance with Civil Service Law, have the authority to appoint and remove all officers and employees of the Department of Emergency Communications/Emergency Management;

(4) Have charge and supervision over the preparation of the departmental budget and the expenditure of departmental funds;

(5) Have responsibility for operation of 911 services;

(6) Direct the administrative activities of the Department;

(7) Have necessary powers and duties of the County Director of Civil Defense as provided by the New York State Defense Emergency Act; and

(8) Have charge of and have the duty of performing such other related functions and other matters as the County Executive may from time to time direct.

§ C-114. Deputy or Assistant Directors.

A. The Director of Emergency Communications/Emergency Management shall have the power to appoint one or more Deputy Directors or Assistant Directors within the limits of appropriations provided for this purpose.

B. Deputy or Assistant Directors shall perform duties pertaining to the Department of Emergency Communications/Emergency Management as the Director may require and shall act generally for and in the place of the Director, performing other duties as the Director of Emergency Communications/Emergency Management may assign.

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Article XXXVII. Intermunicipal Relations

§ C-115. Contracts with public corporations and authorities; implementation.

The County shall have the power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation, or with any public authority or combination thereof, for the cooperative or joint establishment, maintenance, and operation of any facility and the provision of any service that each of the contracting parties would have legal authority to establish, maintain, operate, or provide for itself. The costs, expenses, and charges for central facilities and administrative services connected with intergovernmental collaborative activities shall be shared by all contracting parties. The provisions of this article shall be implemented pursuant to Article 5-G of General Municipal Law of the State of New York, unless and until the Ulster County Legislature shall, by local law, provide for an alternative method.

§ C-116. Intermunicipal Collaboration Council.

A. There shall be a nine-member Intermunicipal Collaboration Council established whose purpose is to advance communication, coordination and collaboration among the local governments in Ulster County so as to achieve greater economy, efficiency, equity, effectiveness and responsiveness of public service.

[Amended 6-10-2009 by L.L. No. 5-2009]

B. Membership of the Intermunicipal Collaboration Council shall include the County Executive, the Chairman of the Ulster County Legislature, the majority leader of the Ulster County Legislature or his or her respective designee, the minority leader of the Ulster County Legislature or his or her respective designee, the Mayor of the City of Kingston or his or her respective designee, a representative of the Ulster County Board of Cooperative Educational Services (BOCES), one community member, appointed by the County Executive, and two representatives of the Ulster County Town Supervisors' Association to be selected by the Association. Any designee appointed by the majority or minority leader pursuant to this subsection shall be a member of the Legislature. Any designee appointed by the Mayor of the City of Kingston pursuant to this subsection shall be a duly elected official. Designations shall be in writing and filed with the Clerk of the Legislature.

[Amended 6-10-2009 by L.L. No. 5-2009]

C. The Council shall meet at the call of the County Executive, but no fewer than two times annually, to consider matters or issues that might be brought before it by any member and to take initiatives designed to advance its objectives.

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Article XXXVIII. Department of Employment and Training

§ C-117. Director of Employment and Training.

A. A Department of Employment and Training shall be headed by a Director of Employment and Training who shall be appointed by the County Executive based on his or her experience and qualifications to perform the responsibilities of office, subject to the confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.

B. Powers and duties. In accord with the requirements of state and local law, he or she shall conduct training programs for dislocated workers and low-income and otherwise disadvantaged adults and youths so as to simultaneously improve their life chances and meet the needs of employers, thus strengthening the County economy. He or she shall have all other powers and perform all other duties now and hereafter conferred or imposed upon him or her by law, and shall perform such other and related duties required by the County Executive or County Legislature.

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Article XXXIX. Department of Tourism

§ C-118. Director of Tourism.

A. There shall be Department of Tourism headed by a Director of Tourism who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at his or her pleasure.

B. Powers and duties. He or she shall promote all of Ulster County's tourism sites, attractions and events with a view toward strengthening the economy of Ulster County. He or she shall also have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature.

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Article XL. Traffic Safety

§ C-119. Coordinator of Traffic Safety.

A. Appointment; term. There shall be a Coordinator of Traffic Safety who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at his or her pleasure.

B. Powers and duties. The Coordinator shall be responsible for the development and coordination of local programs which promote the safety and efficacy of traffic and transportation, including pedestrian and nonmotorized transport, and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature.

§ C-120. Traffic Safety Board.

A. There shall be a Traffic Safety Board which shall exercise all powers and duties set forth in Article 43 of Vehicle and Traffic Law and heretofore or hereafter lawfully granted or imposed by this Charter, local law, resolution of the County Legislature, or by applicable law not inconsistent with this Charter. The Traffic Safety Board shall consist of 12 persons appointed for terms of three years by the County Executive, subject to the confirmation of the County Legislature, except that four members will be initially appointed to a term of one year and four members to a term of two years. Members shall be residents of and qualified electors in the County. At least one but not more than three members shall be resident(s) in the City of Kingston. The Traffic Safety Board shall elect annually a Chairman, Vice Chairman, and a Secretary from its members as provided in Article 43 of Vehicle and Traffic Law. The Coordinator of Traffic Safety shall serve on the Traffic Safety Board ex officio.

B. The Traffic Safety Board shall advance traffic and transportation safety, including pedestrian and nonmotorized transport, through study, advocacy and public education in accord with the provisions of the New York State Vehicle and Traffic Law and local law and perform other duties that may be assigned to it by the County Executive and the Legislature. The Board shall further prioritize safety concerns based on relative risk to people using major modes of transportation such as walking, cycling and/or other nonmotorized and motorized transport.

C. Members of the Traffic Safety Board shall receive no compensation for services but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriation made for such purposes.

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Article XLI. Youth Bureau

§ C-121. Director of the Youth Bureau.

A. There shall be a Youth Bureau headed by a Director who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

B. Powers and duties. The Director of the Youth Bureau shall have managerial responsibility for the department and, with the advice and assistance of the Youth Board, recommend policies that promote youth development and prevent delinquency, plan and coordinate activities devoted to the well-being and protection of all youth in Ulster County, and expand public awareness of youth issues. 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 perform such other and related duties required by the County Executive and County Legislature.

§ C-122. Deputy Director.

The Deputy Director of the Youth Bureau shall be appointed by the Director, in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of his or her education and experience. He or she shall possess the powers and perform the duties of the Director of the Youth Bureau during the absence or inability of such Director to act or in the case of a vacancy in the office of the Director, until a successor is selected and has qualified.

§ C-123. Youth Board.

A. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as "Commissioners of the Youth Bureau of the County of Ulster" and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or his or her representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Bureau.

B. Powers and duties. The Youth Board shall propose policies, programs and recommendations to the Director of the Youth Bureau, the County Executive and the Legislature regarding measures most suitable to supplement, aid and coordinate the work and activities of all public and private agencies, including religious and social institutions, seeking to prevent delinquency and youth crime, to advance the moral, physical, mental and social well-being of the youth of this County, and to encourage the County's local governments to take an interest in the well-being of youth.

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Article XLII. Department of Community Corrections

§ C-124. Director of Community Corrections.

A. Appointment; term. There shall be Department of Community Corrections headed by a Director of Community Corrections who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive.

B. Powers and duties. The Director of Community Corrections shall:

(1) In accord with applicable state and local law, have charge and supervision of the Department of Community Corrections to ensure its effective and efficient operation to reduce reliance on unnecessary incarceration in a manner consistent with public safety; provide a means of punishment to an offender and a means of restitution to the community; increase sentencing options to all criminal courts in Ulster County; foster the development of employment, vocational, and life skills as a way of improving situations which might otherwise contribute to criminal activity; encourage and implement integration between offender and community in the process of reducing dysfunction; and forward the cause of alternative sanctions;

(2) Administer and promote effective legal services for indigent individuals through the operation of the County's Assigned Counsel Plan, in accordance with Article 18-B of County Law;

(3) Have necessary powers and duties pursuant to applicable laws governing the operations of alternatives to incarceration programs;

(4) Furnish technical expertise in the planning and development of community corrections and alternatives to incarceration programming to the County Executive and County Legislature as authorized; and

(5) Have charge of and have the duty of performing such other related functions and other matters as the County Executive and Legislature may from time to time direct.

§ C-125. Assistant Director.

A. The Director of Community Corrections shall have the power to appoint an Assistant Director within the limits of appropriations provided for this purpose.

B. The Assistant Director shall perform such duties pertaining to the Department of Community Corrections as the Director may direct and shall act generally for and in the place of the Director and perform such other and related duties as the Director may assign and direct.

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Article XLIII. Safety Department

§ C-126. Safety Officer.

A. Appointment; term. There shall be Safety Department headed by a Safety Officer who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.

B. Powers and duties. The Safety Officer will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. 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 perform other and related duties required by the County Executive and County Legislature.

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Article XLIV. Insurance Department

§ C-127. Insurance Officer.

A. There shall be an Insurance Department headed by an Insurance Officer who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform such other and related duties as required by the County Executive and County Legislature.

B. Powers and duties. The Insurance Officer shall:

(1) Have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature;

(2) Subject to County Executive approval, have the authority to administer the self-insurance plan as provided for in Article 5 of the Workers' Compensation Law;

(3) Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended;

(4) Have the authority to settle any case subject to the approval of the County Attorney; and

(5) Have authority to appoint deputies within the limit of the appropriation for this purpose, and designate a first deputy who shall act as Insurance Officer in the event of the Insurance Officer's absence from the County or inability to perform and exercise his or her powers and duties.

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Article XLV. General and Transitional Provisions

§ C-128. Existing laws continued.

Except as otherwise provided in this Charter, all existing state, County, local and other laws or enactments, including special acts having the force of law, shall continue in force until lawfully amended, modified, superseded or repealed.

§ C-129. Continuation of authority.

A. Continuity shall exist in performance of all rights, powers, duties and obligations attached to governmental functions detailed in the provisions of this Charter. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible for those proceedings or that business under this Charter or any Administrative Code adopted in connection with it.

B. This Charter shall not invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and these shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

§ C-130. Civil service rights continued.

The civil service rights of all County employees and their beneficiaries shall not be affected by this law. The civil service rights of all employees transferred in any case authorized by this law shall be continued as provided by the Civil Service Law.

§ C-131. Existing terms of office.

Nothing contained in this Charter shall affect the terms of office of County Clerk, District Attorney and Sheriff as presently constituted.

§ C-132. Transfer of functions, duties and personnel; other County departments, boards, offices and agencies.

A. Except as otherwise provided in this Charter, all County departments, boards, offices and units shall continue as provided by law.

B. Any County officer appointed for a fixed term prior to the effective date of this Charter shall continue his or her office for the balance of the unexpired term.

C. Nothing contained in this Charter is intended to constitute a transfer of any function or duty from any town or village or an abolition of any office, department, or unit of government of a town or village in the County. If any provision of this Charter is construed by any court of competent jurisdiction to constitute any such transfer or abolition, such provision shall be deemed to be optional as it affects the towns or villages and shall be effective only upon approval by the governing boards of such towns or villages.

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D. Additional appointments to be made by the County Executive. The County Executive shall appoint the head of any administrative unit not provided for in this Charter, subject to the confirmation of the Legislature. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter within the limits prescribed in Article 4 of the Municipal Home Rule Law.

E. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Executive to an appropriate Administrative Unit.

§ C-133. Charter clarification.

If any provision of this law is not clear or requires elaboration in its application, the County Legislature may interpret that provision in a local law, not inconsistent with the provisions of the Municipal Home Rule Law.

§ C-134. When effective.

This Charter shall be subject to a mandatory referendum and shall be submitted for the approval of the electors of the County of Ulster at the next general election to be held on November 7, 2006. In the event this Charter is approved by a majority of the electors thereon, the provisions provided herein for the election of a County Executive and a County Comptroller shall become effective, and there shall be an election for the offices of County Executive and County Comptroller to be held at the general election in November 2008. The provisions of the remainder of this Charter shall be effective on and after January 1, 2009. An Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

§ C-135. Severability.

If part of any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, that adjudication shall not affect, impair or invalidate the remainder of that provision but shall be confined in its effect to the clause, sentence, paragraph, section or article determined to be invalid by the Court.

§ C-136. Dates.

If any date specified in this Charter falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

§ C-137. Amendment.

A. This Charter may be amended in the manner provided by the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a city, town, village, district or other unit of local government wholly contained within the County, shall not become operative unless it is approved by mandatory referendum as required by the Municipal Home Rule Law.

B. Further, any amendment which would create or abolish an elective County office, change the power or method of removing an elective County officer during his or her term of office, abolish, curtail or transfer to another County office or agency any power of an elected County officer, or change the form or composition of the County Legislature shall be subject to a mandatory referendum.

§ C-138. Completion of unfinished business.

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A. The performance of functions pursuant to the provisions of this Charter shall be deemed to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible for such proceedings or other business under this Charter.

B. This Charter shall not be deemed to invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of the bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

§ C-139. Submission of electors.

This Charter shall be submitted to the electors of Ulster County at the general election occurring November 7, 2006.

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