

**ULSTER COUNTY
CHARTER REVISION COMMISSION**

244 Fair St., P.O. Box 1800, Kingston, New York 12402

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August 4, 2023

VIA HAND DELIVERY

Ulster County Board of Elections
Attn: Commissioners Ashley Torres and John Quigley
79 Hurley Avenue, Suite 112
Kingston, New York 12401

Re: Changes to Section C-29 of the Charter Proposed Directly to the Ballot

Dear Commissioners Torres and Quigley:

Enclosed please find the final proposed changes to Section C-29 (Acting County Executive) of the Ulster County Charter, as recommended by the Ulster County Charter Revision Commission. The Commission voted to send the changes directly to the Ulster County Board of Elections for placement on the ballot at the 2023 general election, as authorized by Section C-5(B)(4) of the Charter, which is included in the attached materials for your reference.

As Chair of the Commission, I certify that the attached are true and accurate copies of the ballot proposition, question, abstract, resolution, and redlined changes as approved by the Commission pursuant to Section C-5(B)(4) of the Charter.

By this letter, I request that the proposition be placed before the voters at the next scheduled general election pursuant to Section C-5(B)(4) of the Charter. Thank you for your time and attention to this matter.

Respectfully yours,

Kathleen C. Mihm

Kathleen C. Mihm, Chair
Ulster County Charter Revision Commission

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Encls.

2023 Proposed Charter Revision

Enclosed please find a submission by the Ulster County Charter Revision Commission. The Commission respectfully requests the Board of Elections place the following question on the ballot at the General Election this year. The Resolution by the Commission as well as the proposed language changes to the Ulster County Charter are attached.

1. The Commission requests that the Proposal be titled as follows:

“Proposal _____ – Allowing for the Revision of the Ulster County Charter § C-29 Acting County Executive

2. The Commission requests that the Question appear as follows:

Proposal Number _____, an Amendment – “Shall Section C-29 of the Ulster County Charter, which establishes the process to fill a vacancy in office of County Executive, be amended to: Provide time to hold primaries to nominate candidates for the next General Election; and Require the Ulster County Legislature, as representatives of the electorate, to confirm the County Executive’s selection of qualified electors for Acting County Executive?”

3. The Commission requests that the Abstract appear as follows:

The purpose of this Ballot Question is to allow the voters of Ulster County to determine if the process for filling a vacancy in the Office of County Executive should be amended to allow adequate time to hold primaries to nominate candidates for the ballot at the next General Election. This would replace the current process wherein political parties select candidates without a primary for a Special Election. It would also require the County Legislature, as representatives of the electorate, to approve the succession line of any qualified electors the County Executive selects to serve as Acting County Executive until the next General Election. These Amendments are proposed by the Ulster County Charter Revision Commission.

If a majority voting on this Question votes NO, the proposed Charter revisions will not be adopted.

If a majority votes YES, the proposed Charter revisions will be adopted.

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TEXT OF SECTION C-5 allowing the Charter Revision Commission to place its proposed revisions to the Ulster County Charter directly before the voters for their approval.

§ C-5, B. (4) of the Ulster County Charter states *“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. 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.”*

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RESOLUTION AUTHORIZING THE CHAIR OF THE ULSTER COUNTY CHARTER REVISION TO SEND THE LANGUAGE PROPOSED FOR SECTION C-29 TO THE ULSTER COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT IN THE 2023 GENERAL ELECTION

RESOLUTION of the Ulster County Charter Revision Commission

July 13, 2023

WHEREAS, the Ulster County Charter Revision Commission was duly formed on September 15, 2022 in accordance with Section C-5 of the Ulster County Charter and consists of members appointed by the Ulster County Executive, Chairman of the Ulster County Legislature, and Minority Leader of the Ulster County Legislature; and

WHEREAS, the Commission was charged with examining and, if deemed necessary, drafting revisions to the Ulster County Charter; and

WHEREAS, the Commission has met extensively to examine all of the language in the Ulster County Charter; and

WHEREAS, the Commission has proposed revisions to Section C-29 of the Ulster County Charter; and

WHEREAS, two public hearings were held after notice to the public was provided as required by local law; and

WHEREAS, the Commission has voted in the affirmative to recommend amendments, which are attached hereto and made a part hereof, to the Ulster County Charter; and

WHEREAS, the Commission desires to submit its revisions directly to the Ulster County Board of Elections for placement on the 2023 General Election ballot for consideration by the public as a county-wide referendum as provided in Section C-5 (B)(4) of the Ulster County Charter; now, therefore, be it

RESOLVED, this action constitutes a Type II action under section 4.2.1 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution 118 on April 20, 2010, and as such does not pose any significant adverse impact on the environment and no further determination under SEQRA is necessary; and be it further

RESOLVED, that the Commission hereby adopts the attached proposed revisions to Section C-29 of the Ulster County Charter; and, be it further

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RESOLVED, that the Chair of the Ulster County Charter Revision Commission is hereby directed to transmit the attached proposed revisions to Section C-29 of the Ulster County Charter and ballot proposition to the Ulster County Board of Elections for placement on the 2023 General Election ballot for the purpose of conducting a county-wide referendum;

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 8 NOES: 1

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of August in the year Two Thousand and Twenty-Three.

Kathleen C Mihm
KATHLEEN C. MIHM, CHAIR

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§ C-29 Acting County Executive.
[Amended 8-14-2012 by L.L. No. 9-2012]

- 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 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 who are qualified electors in Ulster County and incumbent in County government may be designated to any list of succession for possible service as Acting County Executive. ~~Acting County Executive shall remain a qualified elector in Ulster County throughout the term of office.~~
- C. If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under § C-29A 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-29A shall become the Acting County Executive.
- D. If the vacancy in the office of the County Executive occurs ~~more than 180~~ on or prior to 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the next 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 day of January next succeeding the vacancy. ~~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 90 days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing 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. 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 occurs after 21 days before the last day for circulating designating petitions for the next general election, then the vacancy shall be filled by the general election held next thereafter. ~~may be filled by a general election to be held no more than 180 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 day of January next succeeding the vacaneylection.

- 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.
- G. ~~Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for e~~Every new County Executive entering into a term thereafter on the first day of such term, be authorized to shall file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature ~~consisting~~consisting of a list of one or more names to serve as Acting County Executive. Such list shall be subject to confirmation by the Legislature, take precedence over the first persons initially designated 45 days after the filing of such list. Such list may be modified from time to time, but shall not take effect until the expiration of 45 days the entire duration of which the County Executive who filed such list shall have had to remain in office, or such list shall not otherwise take effect. During such forty-five day period, the prior list shall remain in effect. Such list may be modified from time to time, subject to confirmation by the Legislature. 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 or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive.
- H. The Acting County Executive shall have all the powers and perform all the duties of the County Executive, shall remain a qualified elector in Ulster County, shall hold no other elected public office or full-time employment and shall devote full time to the duties of the office.

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