

FAQ – Proposed Ulster County Charter
Gerald Benjamin
September 1, 2006

1. What is a county charter?

A charter is a framework of government that the people of a county design and adopt for themselves. It is the strongest home rule action people in a county may take for their own self-government.

2. Do all counties have charters?

No. Currently twenty of the fifty-seven New York State Counties outside of New York City have charters. The last county to adopt a charter was Sullivan, which did so in 1993. Currently there are only two counties in New York State with populations greater than 125,00 that do not have charters: Niagara and Ulster.

3. Why is Ulster County considering a charter now?

As people and business move up the Hudson Valley from New York City and surrounding areas, Ulster's population is growing and becoming more diverse. Historically, as rapid growth and change has occurred, New York counties have felt the need to stop relying on general state law and design governmental system that specifically addresses their needs. Currently, most counties near major population centers in New York States have charters. Ulster is the southernmost county in New York State without a charter.

Also in recent years, the county has faced serious financial challenges, and has had to deal with difficulties in managing a major capitol project. In order to achieve efficiencies and reduce demands upon property taxpayers, leaders of both the Republican and Democratic parties have explored many alternatives. One major initiative was reconsideration of the county's structure of government through the appointment of the charter commission.

4. How was this charter proposed?

Two years ago, a bi-partisan commission of eleven citizens experienced in community affairs was appointed by vote of the County Legislature to explore whether the county needed a charter and, if so, what the provisions of this charter should be. First appointed unanimously by a legislature that had a Republican majority, this commission was reappointed by a legislature with a Democratic majority with just one dissenting vote. After extensive study, hearings and meetings throughout the county, the Commission, with its members reaching unanimity on almost all major points, recommended a draft charter to the County Legislature in April of 2006. The record of the work of this commission may be found on the Ulster County website.

After making some changes, a unanimous Efficiency and Reform Committee recommended the draft charter to the legislature for passage in June of 2006. The legislature held a public hearing and recommended the draft charter to the people of Ulster County by a vote of 27-1 in August of this year.

5. Why is a referendum necessary to adopt a charter?

Because a charter defines the fundamental frame for county government, and because it preempts state law, the New York Constitution -- in accord with democratic theory -- requires that it be authorized directly by the people. The people of Ulster County will be asked to approve the draft charter on election day, November 7, 2006.

The ballot question will be: "Shall the County of Ulster adopt Introductory Local Law No. 2 of 2006 (A Local Law Adopting A County Charter for the County of Ulster, State of New York)?"

A "yes" vote is a vote in favor of the charter.

6. I heard that the votes will be separately tallied in the City of Kingston and the rest of the county. Why is this?

Cities already have city charters. The New York State Constitution therefore requires that the people in the cities of the county separately approve being governed by means of another charter, the county charter. Positive votes both within and outside the City of Kingston are required for charter adoption.

7. What are the main changes in county government that will result if a charter is adopted, and why are they a good idea?

- A. Separation of Powers. We will create a separation of powers system similar to the one we are used to at the state and national level. We now have a legislative (similar to a parliamentary) system, with the legislature vested with both executive and legislative powers.
- B. Elected Executive . This charter provides for a full-time executive elected for a four-year term by the voters of Ulster County. It makes a single person who is accountable to the voters responsible for managing the county. The elected executive will propose a county budget and appoint most department heads. Ulster County, a \$300 million per year business with over 1600 employees, is currently managed – with the assistance of an appointed administrator -- through legislative committees that report to a part-time chairman or chairwoman. The chair of the legislature is elected within a single legislative district, not countywide, and is then selected by the legislators from among their number. This plan combines **legitimacy** (by virtue of election), **authority** (given by the charter) and **accountability** (to the voters).

- C. Independent Legislative Districting Commission. Self-interested elected officials will no longer design their own districts. Legislators will be elected to two-year terms from single member districts designed by an independent commission. There will be no term limitation. The use of multi-member districts will cease. The number of legislators will be reduced from 33 to 23.
- D. Legislature as the center of policy making. The charter removes much of the legislature's responsibility for matters of administration, and strengthens its policy-making powers. The legislature must give advice and consent to appointments by the executive. No money can be spent and no taxes raised without the legislature's approval. The legislature has power to investigate and generally oversee the operation of executive agencies. Policy-making by appointed independent boards will cease.
- E. Creation of the elected office of Comptroller. There will be an independent Comptroller elected by the people for a four-year term to oversee the operation of county government to assure honesty, efficiency and effectiveness in the operation of county government. Because the position of elected Treasurer will be abolished and its duties distributed to an appointed Commissioner of Finance and other offices, the creation of the Comptroller's office will not increase the number of countywide elected officials.
- F. Strengthened Board of Ethics. This bipartisan appointed body with enhanced powers seeks to assure ethical practice in county government.
- G. Elected Officials Compensation. The charter mandates that an independent body to review and recommend any changes in the compensation of elected officials, taking this matter out of their hands to guard against self-interested behavior.
- H. Inter-municipal Collaboration. The charter creates a Council to assure greater cooperation among the local governments in Ulster County, helping to work toward greater efficiency and effectiveness in government.
- I. Professional Engineer. The charter provides for a credential professional engineer in the employ of the county Public Works Department, to assure proper review and oversight of capital projects, and proposes a reorganization to assure that this is not an additional cost to the county.
- J. Charter Revision. The Charter may be amended at any time after adoption. It requires that it be revisited after five-year experience under it for possible changes, and every ten years after that.

K. Transparency. The proposed charter is the first in the state to systematically mandate the use of the latest communication technology to assure that citizens have maximum access to information about their county government.

8. Isn't local government already too complicated? Won't this charter add another layer of government?

The villages, towns and county make up three layers of local government. This is not another layer; it is a change in the structures of government at the county level.

9. Won't this charter make county government more expensive?

There is no fair, systematic evidence that this is so. There will be some high paying jobs added as a result of this charter, for example the job of County Executive. But there will also be some high paying jobs eliminated, for example the job of County Administrator.

It is important to remember from where we are starting. A study made by the Charter Commission showed that Ulster County had among the highest costs for general government among counties governments of similar size without a charter in New York State between 1994 and 2003. This same study showed that, on average, costs in counties of similar size to Ulster County with elected executives did not have higher costs for general government during this period than did Ulster County.

Ulster had a very high property tax increase for 2006 and faces the prospect of another high increase for 2007. Over the past several years we had a major capital project with massive cost over-runs. Under the charter the elected executive will have the authority to streamline county government through reorganization. An elected executive, accountable to the people, is best situated to find economies in county government, reduce the rate of future operating cost increases and avoid run-away capital costs in the future.

10. If Boards that now head some department lose policy-making authority, aren't people less likely to volunteer for them?

No. Ulster County is fortunate in the willingness of its citizens to volunteer for boards and commission, and volunteers have come forward for many boards that have advisory responsibilities only.

11. Does the Charter shift some powers from the City of Kingston, the towns or the villages to the county?

No. The Charter Commission and the Legislature made a specific effort to avoid shifting powers from the towns and villages to the county through charter change. In particular, the role of the City and towns in land use decision-making at the town and county levels is not changed at all by the proposed charter.

12. Does the adoption of the charter change the obligation of the county to any people or companies with whom it now conducts business?

No. The charter specifically provides for continuity in government, and the County is legally obligated to meet all its contractual obligations whatever its form of government.