

Proposed Local Law No. 3 Of 2014

County Of Ulster

A Local Law Amending Local Law No. 10 of 2008 (A Local Law Adopting An Administrative Code for the County of Ulster, State of New York) To Require Cost Benefit Analysis As Part Of The Financial Impact On Resolutions Approving The Execution Of Private Contracts And Private Contract Amendments In Excess Of \$50,000.00 Entered Into By The County For Public Services

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

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature finds:

1. The public sector's role has increasingly evolved from a direct provider of service to that of a broker of services. The success of this role, overseeing a network of public, private, and not-for-profit organizations to ensure County services, relies on its ability to manage and oversee the entire operation, from project analysis and vendor selection to contracting and procurement.
2. According to the Administrative Conference of the United States, a Federal agency that works to improve the rulemaking process by performing research and issuing recommendations, a cost benefit analysis as an effort to estimate the overall benefit that a proposed or final rule would create, as well as the aggregate costs that it would impose on society. Federal courts have based rulings on the sufficiency of cost-benefit analysis of policies.
3. The Ulster County Legislature is the appropriating body of Ulster County. As such it has a fiduciary duty to allocate funds in a fiscally and ethically responsible way with a view towards both the short and long term impacts of the citizens and business of Ulster County.
4. Individual Legislators, Committees and the Legislative body as a whole cannot fulfill their legislative duties without specific information as to the impact upon the citizens and business of Ulster County.
- 3-5. A cost benefit analysis of all Resolutions approving the execution of ~~private~~ contracts and ~~private~~-contract amendments in excess of \$50,000 entered into by the County for public services enables the Legislature to determine whether the value of an action's positive consequences exceeds the value of the County's resources required to implement the program.

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4|6. While cost benefit analysis metrics may indicate a positive consequence, without annual review and ongoing oversight, implementation costs could surpass the initially estimated benefits.

5|7. Pursuant to Ulster County Administrative Code §A-2-9 (A), Resolutions.
“A. *Adoption, amendment and repeal. The County Legislature may adopted, amend and repeal resolutions by a majority vote of the whole 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 the Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.*”

6|8. It will be joining Federal, State and local officials throughout the Nation in the implementation of cost-benefit analysis in their rule making procedures.

7|9. The local law should be amended to require a cost benefit analysis to be included as part of the financial impact statement listed on Resolutions approving the execution of private contracts and private contract amendments in excess of \$50,000 entered into by the County for public services.

SECTION 2. Section §A-2-9 (A) of Local Law No. 10 of 2008 is amended to read as follows:

1. *“A. Adoption, amendment and repeal. The County Legislature may adopted, amend and repeal resolutions by a majority vote of the whole 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 the Charter or applicable law to be provided by local law.*
Resolutions approving the execution of ~~private~~ contracts and ~~private~~ contract amendments in excess of \$50,000 entered into by the County for public services shall include a cost benefit analysis that shall include, but is not limited to:
 - a. **Elimination of current County-budgeted positions A list of any county positions or titles being added or eliminated;**

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- b. ~~Impacts on Ulster County Social Services~~ The specific financial impact of adding or eliminating said position;
- c. ~~Impacts on public assistance programs~~ The environmental impact, if any of said resolution or contract;
- d. ~~Economic impact of local businesses~~ The tax implications if any of said resolution or contract; and
- e. Any possible loss or increase in tax revenue for the County; and.
- f. ~~Any environmental impacts that may result from the private contract, including any upgrades or possible degradation.~~

The above resolution shall be limited to contracts or projects receiving 50% or more of County funding and does not apply to contracts that are pass through contracts with State and Federal funding.

The resolution does not apply to professional service contracts for independent contractors, such as doctors, engineers, accountants, legal services, etc.

The cost benefit analysis will include annual review and/or monitoring methods, accessible and available to the Legislature, which document and/or ensure initially stated cost benefits. *Resolutions shall not be subject to referenda.*”

SECTION 3. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

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SECTION 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Secretary of State.