

Establishing A Policy Requiring Disclosure Of The Names Of Individuals Holding Ownership Interest In Entities Doing Business With Ulster County

Referred to: The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Roberts, Ronk, and Walter)

Legislators Tracey A. Bartels and Joe Maloney offer the following:

WHEREAS, the Ulster County Legislature finds it necessary and appropriate to require full transparency and disclosure of the name(s) of individual(s) and business entities holding ownership interest in business entities that enter into contract(s) with Ulster County; and

WHEREAS, the Ulster County Ethics Law prohibits County Officers and Employees from engaging in activity that would give rise to conflicts of interest, (Ulster County Ethics Law, Section “I”); and

WHEREAS, Section 2(F) of the Ulster County Ethics Law defines Contractual Goods/Services as follows:

F. CONTRACTUAL GOODS/SERVICES: Any work performed or goods delivered by a person or entity to the Customer or Client under mutual agreement of the two parties and provided the transaction has been finalized, without dispute, by the two parties; and

WHEREAS, Section 2(K) of the Ulster County Ethics Law defines Immediate Family Member/Member of Household as follows:

K. IMMEDIATE FAMILY MEMBER/MEMBER OF HOUSEHOLD: Shall include a spouse, un-emancipated child or person claimed as a dependent on the County officer's or employee's latest individual or joint state income tax return or unrelated persons who are continually or at regular intervals living or in the preceding calendar year continually or at regular intervals lived in the same household, including an individual who may not be related to another person in the same household legally, or biologically, but who has provided for the person's basic needs, or regularly cares for that person; and

WHEREAS, Section 2(P) of the Ulster County Ethic's Law defines “Outside Employer or Business”, **in part**, as follows:

P. OUTSIDE EMPLOYER OR BUSINESS:

- (1) Any activity, other than service to the County, from which the County officer or employee receives compensation for services rendered or goods sold or produced;

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(2) Any entity, other than the County, of which the County officer or employee is a member, officer, director, or employee and from which they receive compensation for services rendered or goods sold or produced; or

(3) Any entity in which the County officer or employee has an ownership interest, except a corporation of which the County officer or employee owns less than 10% of the outstanding stock or company membership units; and

WHEREAS, for purposes of this policy only, the term “business entity” shall be defined as a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity; and

WHEREAS, the Ulster County Ethics Law prohibits county officers and employees from investing or knowingly holding any investment directly or indirectly in any business, financial, commercial or other private transaction doing business with the County of Ulster which would create a conflict with the individual’s official duties, (Ulster County Ethics Law Section “K”); and

WHEREAS, the Ulster County Ethics Law further prohibits county officers and employees from taking any action or participating in any manner whatsoever in any official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the County of Ulster or any agency thereof in which the official employee, an immediate family member, or member of the household has or will have an interest, direct or indirect, in such contract or professional dealings, (Ulster County Ethics Law Section “L”); and

WHEREAS, in furtherance of the prohibitions established in the Ulster County Ethics Law the Legislature deems it necessary and appropriate to establish a countywide policy requiring the disclosure of the names of individuals **and business entities** holding an ownership interest in **business** entities that do business with Ulster County; now, therefore, be it

~~RESOLVED, that the name(s) of any and all individual(s) holding ownership interest of 10% or greater in any entity that seeks to do business with Ulster County, shall be disclosed, in writing, at the time such entity submits its bid to the Ulster County Purchasing Department, or, prior to entering into written contract for such work, whichever is sooner; and, be it further~~

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~~RESOLVED, that the Purchasing Director shall file with the Clerk of the Legislature the name(s) of any and all individual(s) holding ownership interest of 10% or greater in any entity that seeks to do business with Ulster County prior to entering into written contract with the County, or performing any work for the County, whichever is sooner,~~

RESOLVED, that the following information shall be disclosed, in writing, to the Ulster County Department of Purchasing, Chair of the Legislature and Chair of the Ways and Means Committee, at the time a business entity submits a bid to the Ulster County Purchasing Department, or, prior to entering into written contract for such work, whichever is sooner:

- 1. The names of all individuals with an interest in, ownership or control of 10% or more of the profits or assets of such business entity, or of 10% of the stock in the case of a business entity that is a corporation for profit.**
- 2. The names of all principals, partners, officers, or directors of the business entity and their immediate family members and members of household.**
- 3. The names of any subsidiary business entities directly or indirectly controlled by the business entity.**
- 4. For business entities holding 10% or more of the profits or assets of a business entity seeking to do business with Ulster County, the names of all principals, partners, officers, or directors of the business entity and their immediate family members and members of household; and, be it further**

RESOLVED, that the names of the individuals as set forth above shall be entered into the Ulster County financial software system, and shall be included when any resolution or contract is presented by any Ulster County department for approval by the Ulster County Legislature; and, be it further

RESOLVED, that nothing contained in this policy shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act,

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and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Hansut, Litts and Ronk)

Postponed in Committee: Ways and Means for one month on February 7, 2023

Postponed in Committee: Ways and Means for one week on March 7, 2023

Passed Committee: Ways and Means as amended on March 21, 2023

FINANCIAL IMPACT:
NONE

Legislator Maloney motioned, seconded by Legislator Heppner, to amend the Resolution as presented.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Hansut, Litts and Ronk)

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 21st Day of March in the year Two Thousand Twenty-Three, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 24th Day of March in the year Two Thousand Twenty-Three.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
24th Day of March 2023.

Approved by the County Executive this
29th Day of March 2023.

[s] Victoria A Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

[s] Jen Metzger
Jen Metzger, County Executive