

POLICY FOR APPROPRIATING FUNDING TO NON-COUNTY  
ORGANIZATIONS – ULSTER COUNTY LEGISLATURE  
“EXHIBIT A” RESOLUTION NO. 427 OF 2020

## 1.0 Purpose

To set parameters and establish guidelines for the making of appropriations for the funding of contracts for public benefit services with non-County contract agencies by the County and to ensure transparency, accountability, consistency, and adherence to best practices. This policy also establishes eligibility criteria for such non-County contract agencies and the required public process for consideration and allocation of funding by the Ulster County Legislature.

## 2.0 Definitions

“Non-County Agency” - Non-County Agency shall mean any organization that the County Legislature contracts with for agreed upon services during the budget process, which is not subject to an RFP process but subject to the requirements in this policy.

## 3.0 Policy

3.1 Ulster County recognizes that non-County contract agencies serve an important role in improving the quality of life for our community by delivering public benefit services to County citizens in a cost-effective manner through the use of contracts with those organizations.

3.2 Ulster County is committed to providing financial assistance to those contract agencies which assist Ulster County Government in carrying out its mission, and:

3.2.1 Demonstrably contribute to meeting the County’s strategic objectives and are consistent with the implementation of key priorities; and

3.2.2 Support the delivery of needed public benefit services that the County does not provide or that can more effectively or efficiently deliver those services; or

3.2.3 Provide programs or services that enhance a County function or service; or

3.2.4 Address a documented need for the non-County contract agency’s program or service.

#### 4.0 Outside Agency Eligibility Criteria

It shall be the policy of Ulster County to consider providing funding assistance to non-County contract agencies meeting the criteria below.

4.1 Non-County contract agencies and their respective public benefit program(s) must be nonprofit or a governmental entity. All nonprofits shall verify their nonprofit status by submitting an IRS tax exempt letter confirming 501 (c)(3) or 501 (c)(6) status, an IRS 990 or 990 EZ form, and a current solicitation license from New York State (or if exempt, the exemption letter).

4.2 Non-County contract agencies must meet the criteria as enumerated within New York Consolidated Laws, CNT (County Law) § 223. Flood control and soil conservation, CNT § 224. Optional appropriations and contracts for public benefit services, or New York Consolidated Laws, EDN (Education Law) § 256. Contracts, or be incorporated, and must not have had their revenue suspended by the New York State or have overdue federal, state or local taxes.

4.3 All agencies that apply for funding should have been in operation for at least two years by December 31st of the year preceding the application deadline.

4.4 Non-County contract agencies must have a governing board and submit a current board roster.

4.5 Non-County contract agencies program(s)/services(s) must be available to all Ulster County residents who meet the eligibility requirements of the agency/program if the program does not clearly specify geographic coverage. Program(s)/services(s) offered by the agency must comply with all state and federal statutes related to protection from discriminatory actions.

4.6 Non-County contract agencies must provide a disclosure of any potential conflicts of interest.

4.7 Non-County contract agencies shall adhere to accountability standards set by the Ulster County Legislature and, as required by law, including complying with all financial and performance measurement requirements and reporting, and terms of contracts and/or memorandum of understanding, including meeting all deadlines. Compliance with the standards is a criterion for funding. Funds will not be released until, and unless, all financial, performance, contract or memorandum terms, and deadlines are met. All deadlines for reporting and for delivery of any follow-up information will be clearly stated in writing and included in the County contract. Financial and performance measurement reporting will be reviewed quarterly by the Committee of jurisdiction to ensure that project goals and objectives are being met satisfactorily.

4.8 A nonprofit contract agency must meet all eligibility requirements on its own, and may not use a funding agent or other third party arrangement to meet eligibility requirements.

## 5.0 Funding Application Procedure

5.1 The Ways and Means Committee will decide the value of the Departmental Request for Non-county contract agency funding no later than May 31<sup>st</sup> annually. The Clerk of the Legislature will use this valuation in the Departmental Budget Request.

5.2 All non-County contract agency funding requests must be evaluated, discussed, and funding awarded and/or appropriated by the Ulster County Legislature in a public meeting as an agenda item at a regular or special Legislative meeting, and all such funding requests must be initially referred to the Committee of jurisdiction and subsequently subject to the approval of the Ways and Means Committee. Legislative Financial staff will supply the Ways & Means Committee with a breakdown of the total Adopted Budget and each applicant's name and the value requested for each, clearly displaying the value of the overage/(shortage) in available funds.

5.3 Funding requests must be made in writing. Non-County contract agencies must complete a non-County contract agency funding application in such form as may be specified by the Legislative Fiscal Analysts, and shall provide all required documentation specified in the application no later than January 31.

5.3.1 Non-County contract agency funding applications are to be made available on the Ulster County website or in the Office of the Ulster County Legislative Clerk. Completed applications should be submitted to the Ulster County Legislative Clerk, who will thereafter certify the applications as complete, if complete, or reject applications that are not complete.

5.3.2 Incomplete applications will not be considered.

5.3.3 Applications certified as complete by the Legislative Clerk shall be forwarded by the Legislative Clerk in the Form of a Resolution to the Committee of jurisdiction, subject to the Resolution process.

5.4 As part of the annual budget process, the County Executive may make non-County contract agency funding recommendations annually in the County Executive's recommended Budget to the Ulster County Legislature. Such recommendations are for account valuation only and do not automatically assign funding to a specific non-County contract agency. Funding is assigned solely through the Resolution process at the time of contract approval by the Legislature.

5.5 The Ulster County Legislature may approve final funding for all non-County contract agencies regardless of whether funding was sought by direct application or by recommendation of the County Executive.

5.5.1 Applicants will be notified within one (1) week of the Resolution's adoption of funding approval.

5.5.2 A revised scope of work and budget reflecting the final award amount will be required of non-County contract agencies for which the amount appropriated differs from the original funding request or recommendation prior to contract execution.

5.6 A contract agency awarded funds must accept the funds by the completion of a contract agreement which must be signed by the agency and Ulster County Legislative Chair (or designee). The contractual agreement and other contract requirements must be signed by the agency and received by the Finance Department no later than 60 days after the date the contract is received by the agency. Failure to comply with this date may result in funds appropriated being withdrawn by the Chair of the Legislature.

5.6.1 No major changes can occur after contract signing, either in activities, financing or use of funds, without requesting and receiving approval in writing from the Ulster County Legislature.

## 6.0 Reporting and Monitoring

6.1 Relating to the agency's scope of services, all agencies approved for funding will be required to submit a standardized financial and programmatic quarterly report by March 15, June 15, September 15 and December 15; and a year-end report by June 1.

6.1.1 The report must indicate the extent to which County funds have been spent and goals and objectives are being achieved and/or have been achieved.

6.1.2 If performance is not at the expected level, the agency must submit an explanation for the deviation and describe actions it will take to remedy the situation.

## 6.2 Annual Agency Financial Reporting

6.2.2 A non-County contract agency receiving County funds must submit annual financial reporting no later than thirty (30) days after the date of an Independent Auditors' Report or the close of the fiscal year if an audit report will not be pursued, in such form as may be specified by Legislative Fiscal Analysts. Additional information may be requested if required to understand or evaluate the financial statements of the agency.

6.2.3 Any related-party transactions must be identified, and a detailed explanation provided, if not identified in the financial statements. A related-party transaction is a business deal or arrangement between two parties who have a relationship prior to the deal. This could include, but is not limited to, an arrangement between a key member of management, a close family member of key management staff, a parent or subsidiary company, or a member of the managing board. Typical arrangements could include, but is not limited to, purchases, loans or receivables.

6.3 Non-County contract agencies requesting funding may be subject to a periodic program evaluation by the Committee of jurisdiction on such terms and at such times as the Committee of jurisdiction may specify, and these Committees may make such recommendations for the continuation, modification, termination or non-renewal of funding as it deems appropriate as a result of such periodic evaluations of information provided in reports. Program evaluations can include, but are not limited to, the following items, subject to each Organization's schedule A:

6.3.1 Reviewing current financial relationship with Ulster County;

6.3.2 Agency background and partnership history (if applicable);

6.3.3 Assessing achievement of the County's goals and alignment with Ulster County's strategic objectives;

6.3.4 Performance measurement evaluation and customer evaluation;

6.3.5 Cost/benefit analysis and benchmarking; and

6.3.6 Identification of program challenges