

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

The Economic Development, Housing, Planning and Transit Committee (Chairman Rodriguez and Legislators Bischoff, Loughran, Sheeley, Harris, Roberti and Terrizzi) offers the following:

WHEREAS, the Ulster County Development Corporation (hereinafter referred to as “UCDC”) fosters business growth and economic development in the County of Ulster and its municipal subdivisions, and

WHEREAS, the County and UCDC wish to accomplish their purposes in part by making funds available through the authorization of a Performance Based Economic Development Plan Agreement that will encourage business development within Ulster County, and

WHEREAS, funding for this program will be provided, but capped at \$200,000.00 for completion of a combination of various initiatives, which may include Section 1 and Section 2 herewith, along with one of optional Sections 3, 4, 5 or 6 herewith, which will be administered according to the Guidelines set forth in this resolution as follows:

Section 1. A ~~30%~~ 50% match will be provided to UCDC for all non-governmental funds raised by UCDC. UCDC will be paid this match on a quarterly basis upon certification of such fundraising amounts actually received as of the date of such certification.

Section 2. A ONE THOUSAND NO/100 (\$1,000.00) DOLLAR payment will be provided to UCDC for every quality job retained in Ulster County with the significant involvement of UCDC. Payment will be made upon submittal and approval of the quarterly invoice containing the necessary supporting documentation to verify the claim. The COUNTY may request, as needed, additional documentation from UCDC to verify a claim.

To earn such payments, UCDC must produce documented proof to the County that the jobs in question have been saved. Documented proof would include, but is not limited to, press releases, newspaper articles, correspondence, memoranda, and must include a signed statement from the employer’s principal officer which includes the title of the position, the wage and benefits and a statement from the employer that the aforesaid job is no longer in danger of loss, outsourcing, or removal from the County, due to, in part, the efforts of UCDC. The employer’s CEO, regional executive or designee must submit a letter regarding UCDC’S substantial involvement.

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

Documentation of this initiative must be maintained on file by UCDC and shall be submitted with each invoice, as well as provided to the Chairman of the Ulster County Legislature, the Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee of the Ulster County Legislature, and the Chairman of the Economic Development Committee of the Ulster County Legislature.

Section 3. A ONE THOUSAND AND NO/100 (\$1,000.00) DOLLAR payment award will be provided to UCDC for every quality job created in Ulster County with the significant involvement of UCDC.

To earn the payment, UCDC must demonstrate to the County that the creation of the job in question is a permanent position in Ulster County, for Ulster County residents, and meets the definition of a “quality job” (which shall be defined as a permanent, non-seasonal, full time job which pays at least the median County wage, including benefits, and is located within Ulster County, for which every effort must be made to employ Ulster County residents), providing documented proof of same. In addition, UCDC must provide documented proof of the creation of such position(s). Documented proof would include, but is not limited to, classified advertisements to fill the position, press releases, announcements, newspaper articles, correspondence, memoranda or posting on a reputable online job search website and a signed statement from the employer’s principal officer which includes a description and the title of the job position, the wage and benefits associated with the job position, and a statement from the employer that the aforesaid job has been created as a permanent position and the employer is currently accepting applications from potential employees residing in Ulster County to fill the position. UCDC shall also include the affirmation of UCDC’S President specifically citing UCDC’S substantial involvement. Documentation of this initiative must be maintained on file by UCDC and shall be submitted with each invoice as well as provided to the Chairman of the Ulster County Legislature, the Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee of the Ulster County Legislature, and the Chairman of the Economic Development Committee of the Ulster County Legislature.

Any payments made in accordance with this section will only be made upon UCDC’S submittal and COUNTY’S approval of the quarterly invoice containing the

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

necessary supporting documentation to verify the claim. The COUNTY may request, as needed, additional documentation from UCDC to verify a claim.

Section 4. A ONE THOUSAND AND NO/100 (\$1000.00) DOLLAR payment will be provided to UCDC for every expansion job in Ulster County with the significant involvement of UCDC. Payment will be made upon submittal and approval of the quarterly invoice containing the necessary supporting documentation to verify the claim. The COUNTY may request, as needed, additional documentation from UCDC to verify a claim.

To earn such payments, UCDC must produce documented proof to the County that every expansion job is a permanent job in Ulster County. Documented proof would include, but is not limited to, press releases, newspaper articles, correspondence, memoranda, or posting on a reputable online job search website and must include a signed statement from the employer's principal officer which includes the title of the position, the wage and benefits and a statement from the employer that the aforesaid job is no longer in danger of loss, outsourcing, or removal from the County, due to, in part, the efforts of UCDC. The business's CEO, regional executive or designee must submit a letter regarding UCDC's substantial involvement. Documentation of this initiative must be maintained on file by UCDC and shall be submitted with each invoice, as well as provided to the Chairman of the Ulster County Legislature, the Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee of the Ulster County Legislature, and the Chairman of the Economic Development Committee of the Ulster County Legislature.

Any payments made in accordance with this section will only be made upon UCDC's submittal and COUNTY'S approval of the quarterly invoice containing the necessary supporting documentation to verify the claim. The COUNTY may request, as needed, additional documentation from UCDC to verify a claim.

Section 5. A TWENTY FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLAR payment award will be provided to UCDC for each new business in Ulster County, ~~committing publicly~~ 50% of payment when the job is created and 50% of the payment when the job is filled, to ten (10) or more permanent, quality jobs in Ulster County, available to Ulster County residents, which have been recruited with the significant involvement of UCDC.

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

To earn such payment, UCDC must demonstrate to the COUNTY that the employer has opened a new business within in Ulster County and has provided documented proof that the jobs are in fact, permanent, year round, full time, quality jobs for which every effort has been made to employ Ulster County residents in such jobs, and that UCDC was, in fact, significantly involved in bringing the jobs to Ulster County. Supporting documentation would include, but is not limited to, correspondence, press releases, memoranda, corporation papers, etc. A signed statement from the new business's principal officer stating the business's name, the number of employee anticipated to be hired and that UCDC was significantly involved in the business's opening shall also be provided. Documentation of this initiative must be maintained on file by UCDC and shall be submitted with each invoice, as well as provided to the Chairman of the Ulster County Legislature, the Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee of the Ulster County Legislature, and the Chairman of the Economic Development Committee of the Ulster County Legislature.

Any payments made in accordance with this section will only be made upon UCDC'S submittal and COUNTY'S approval of the quarterly invoice containing the necessary supporting documentation to verify the claim. The COUNTY may request, as needed, additional documentation from UCDC to verify a claim.

Section 6. A FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLAR payment award will be provided to UCDC for each new business within Ulster County, ~~committing publicly~~ 50% of payment when the job is created and 50% of the payment when the job is filled, to one hundred (100) or more permanent, quality jobs in Ulster County and available to Ulster County residents, which have been recruited with the significant involvement of UCDC.

To earn such payment, UCDC must demonstrate to the COUNTY that the employer has opened for business in Ulster County and has provide documented proof that the jobs are in fact, permanent, quality jobs which will employ Ulster County residents and UCDC was, in fact, significantly involved in bringing the jobs to Ulster County. Supporting documentation would include, but is not limited to, correspondence, press releases, memoranda, corporation papers, etc. A signed statement from the new business's principal officer stating the business's name, the number of employees anticipated to be hired and that UCDC was significantly involved in the business's opening shall also be provided.

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

Documentation by the new business employer must be maintained on file by UCDC and shall be submitted with each invoice, as well as provided to the Chairman of the Ulster County Legislature, the Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee of the Ulster County Legislature, and the Chairman of the Economic Development Committee of the Ulster County Legislature.

Any payments made in accordance with this section will only be made upon UCDC'S submittal and COUNTY'S approval of the quarterly invoice containing the necessary supporting documentation to verify the claim. The COUNTY may request, as needed, additional documentation from UCDC to verify a claim.

WHEREAS, the Economic Development, Housing, Planning and Transit Committee has met and reviewed this program with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed this program with a majority of the members voting approval, now, therefore, be it

RESOLVED, that the 2009 Ulster County Budget is hereby amended as follows:

TRANSFER

<u>FROM</u>		<u>AMOUNT</u>
A4-1331-4553 (App. #)	Contingent Account	\$200,000.00
<u>TO</u>		<u>AMOUNT</u>
A4-2801-4950 (App. #)	UCDC, Performance-Based Plan	\$200,000.00

and, be it further

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to enter into an agreement on behalf of the County of Ulster with Ulster County Development Corporation approving the administrative guidelines for a performance based economic development plan, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney's Office,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 4

(NOES: Legislators Felicello, Loughran, Noonan and Roberti)

(Absent: Legislators Aiello, Dart, Maloney, Provenzano, Roberts, Shapiro and Stoeckeler)

Legislator Lomita motioned, seconded by Legislator Cahill to amend the resolution as follows and as shown in the body of the resolution by bold font and strikethroughs when necessary:

1. Amend the resolution adding after business's CEO: "regional executive or designee."
2. Amend Section 1. changing 30% to 50% match.
3. Adding to each Section after the Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee.
4. Adding to the paragraph prior to the next to last "WHEREAS," Approval of submissions for payments will be approved and/or disapproved by a Special Committee which will be comprised of the following members: Chairman of the Ulster County Legislature, Chairman of the Economic Development Committee, Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee and Deputy Chairman of the Ways and Means Committee, the Deputy Chairman of the Ways and Means Committee.

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

5. Add Section 7. The agreement to be executed shall provide that in no event shall UCDC be entitled to any incentive payments which are duplicative in nature. The agreement will provide that the County shall have the sole right to determine how the incentive payments shall be calculated.

Legislator Terrizzi motioned, seconded by Legislator Rodriguez to also include the following friendly amendment: In Section 5. and Section 6., the guidelines reflect removing all “committing publicly” terminology to “50% of payment to be paid when the job is created” and “50% of payment to be paid when the job is filled.”

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 4
(NOES: Legislators Felicello, Loughran, Noonan and Roberti)
(Absent: Legislators Aiello, Dart, Maloney, Provenzano, Roberts, Shapiro and Stoeckeler)

FINANCIAL IMPACT:

\$200,000.00 – BUDGETED 2009 COUNTY DOLLARS
TRANSFER FROM CONTINGENT ACCOUNT

0415

Resolution No. 101 April 7, 2009

Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And The County Of Ulster – Amending The 2009 Ulster County Budget – Ulster County Development Corporation

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 7th Day of April, 2009, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 9th Day of April in the year Two Thousand and Nine.

|s| Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Submitted to the County Executive this
9th Day of April, 2009.

|s| Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Approved by the County Executive this
9th Day of April, 2009.

|s| Michael P. Hein
Michael P. Hein, County Executive