

Authorizing A Request For Proposals For The Sale Of The Assets Of The Resource Recovery Agency

Referred to: The Environmental, Energy and Technology Committee (Chairman Belfiglio and Legislators Lopez, Ronk, Wawro, Bartels, John Parete and Wishnick); The Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez); and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

The Chairman of the Environmental, Energy and Technology Committee, Carl Belfiglio, offers the following:

WHEREAS, the Ulster County Resource Recovery Agency (“RRA”) was formed under authorization by the New York State Legislature; and

WHEREAS, as a result of various decisions the RRA requires Ulster County taxpayers to financially assist the RRA in meeting its obligations; and

WHEREAS, the annual subsidy provided by the Ulster County taxpayers now exceeds \$1 million and reasonable projections contemplate such subsidy growing to over \$2 million; and

WHEREAS, for many years the concept of “flow control” has been discussed by numerous members of the numerous sessions of the Ulster County Legislature without passing the Legislature; and

WHEREAS, the no Countywide official has endorsed “flow control” or publicly offered any solution or proposal to address the financial burden of RRA associated costs and debt on the taxpayers of Ulster County; and

WHEREAS, this Legislative body wishes to jointly explore both the path of flow control and a potential sale of the assets of the RRA with the County, the latter of which would likely require the approval of the New York State Legislature unless as part of the sale all the assets and liabilities of the RRA are resolved; now therefore be it

RESOLVED, that individuals or entities are invited to submit confidential bids for the purchase of all assets of the RRA including but not limited to real property, personal property, intellectual property, contractual rights capable of being purchased, and good will of the RRA; and be it further

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RESOLVED, that the Board of the RRA are requested to make available the employees and consultants of the RRA in person or by phone to give an overview of the assets and liabilities of the RRA and to otherwise answer questions from prospective bidders, and such Board is requested to provide dates, through the RRA Board Chairman, to the Chairman of the Environmental, Energy and Technology Committee when such consultation may take place during the month of September, 2012; and be it further

RESOLVED, that such sealed proposals, which would require the person/entity making the proposal to:

- State the price the person/entity (hereinafter the “bidder”) is willing to pay for the assets of the RRA;
- State the method and dates of payment by the bidder;
- State the bidders plans for retention of any or all of the existing staff and provide a sample employment or consulting contract for any or all of the staff at the RRA, along with a list of such employees the bidder would be willing to, as a condition of the bid, enter into such contract with;
- Complete any bid form which the Environmental, Energy and Technology Committee is hereby authorized and directed to prepare and which any bidder shall fill out, such bid form to be prepared by September 25, 2012;
- Such bid form shall acknowledge that the County is not empowered to authorize the sale of the assets of the RRA absent a law being enacted by the New York State Legislature;
- Such bid form may establish and require a bid bond with the proceeds payable to the County of Ulster (if a bid is awarded and the bidder does not complete the transaction), to be held by the County of Ulster until the sale of the assets of the RRA to the bidder, or until October 1, 2013, whichever comes earlier; and be it further

RESOLVED, that such bids shall be submitted not later than October 15, 2013 in a sealed envelope marked “RRA Bid” delivered to the Clerk of the Ulster County Legislature by 4:00 PM that day, or, at the option of the Environmental, Energy and Technology Committee, to the Director of Purchasing or other employee of Ulster County (in which case the Committee shall pass a resolution and state on the bid form to who and when the bid shall be provided); and be it further

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RESOLVED, that the Ulster County Department of Public Works and any other Department head or employee of Ulster County is hereby requested to contact the Chairman of the Environmental, Energy, and Technology Committee to offer any relevant assistance he or she believes he or she can offer in the preparation of a bid form; and be it further

RESOLVED, that within available appropriations, in an amount not to exceed \$10,000, the Chairman of the Legislature is authorized, upon the approval of the Chairman and Deputy Chairman of the Ways and Means and Environmental, Energy and Technology Committees to retain a consultant to assist in the preparation of the bid form and the evaluation of any bids received;

and moves its adoption

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Environmental, Energy & Technology on _____.

Passed Committee: Ways and Means on _____.

Passed Committee: Laws & Rules, Governmental Services on _____.

FINANCIAL IMPACT:

NO TO EXCEED \$10,000