

Proposed Local Law No. 2 Of 2013

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 Delete the References to “Abstract of Contracts” to Require the Approval of a Contract \$50,000 or More By a Corresponding Resolution for Each Contract

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

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature finds that in furtherance of its fiduciary duty, contracts over \$50,000 should be voted on individually instead of in “Abstract” format. In order to fully and thoughtfully execute its duties pursuant to the Ulster County Charter, the Legislature hereby amends sections of the Local Law No. 10 of 2008 (A Local Law Adopting An Administrative Code for the County of Ulster, State of New York) to delete references to “Abstracts of Contracts” and to require the approval of a contract \$50,000 or more by a corresponding resolution for each contract.

1. Pursuant to Ulster County Charter §C-11(O), *“The County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, including but not limited to the power:*

O. To approve the execution of all contracts in excess of \$50,000 entered into by the County.”

2. Pursuant to Administrative Code §A2-5A., *“The County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, and all the powers assigned to it by the Ulster County Charter and restricted as therein provided. Among such powers and duties, but not by way of limitation, it shall have the power:*

(15) To approve the execution of all contracts and change orders in the amount of \$50,000 or in excess of \$50,000 entered into by the County, except that:

(a) The Director of Purchasing shall have the authority and discretion to extend existing contracts and execute same, as well as recurring types of services, including, but not limited to: New York State

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Office of General Services contracts, piggyback contracts, mandated/preferred source, sole-source, and utility contracts. The Director of Purchasing shall provide a report to be annexed to the abstract of contracts, for reporting purposes only, setting forth those contracts that he or she has executed, and a copy of which shall be filed with the County Executive and the Clerk of the Legislature.

- (b) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved by the County Legislature for all contracts in the amount of \$50,000 or more. Upon approval of said abstract by the County Legislature, the Director of Purchasing shall present the abstract to the County Executive. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § C-74B(2) in the County Charter.”

3. Pursuant to Administrative Code §A3-4 *“The County Executive shall be the chief executive and administrative head of the County. The County Executive shall be responsible for the administration of all County affairs. Except as may be otherwise provided in the Charter, he or she shall have and exercise all the executive powers and duties conferred by the Charter and/or in law upon a County executive officer or the executive branch of a County government, and all powers and duties necessarily implied or incidental thereto:*

X. *Execute all contracts and change orders under the sum of \$50,000 and, with the approval of the County Legislature, all contracts and change orders in the amount of \$50,000 or in excess of \$50,000, except that:*

- (1) The Director of Purchasing shall have the authority and discretion to extend existing contracts and execute same, as well as recurring types of services, including, but not limited to: New York Office of General Services contracts, piggyback contracts, mandated/preferred source, sole-source, and utility contracts. The Director of Purchasing shall

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provide a report to be annexed to an abstract of contracts, for reporting purposes only, setting forth those contracts that he or she has executed, and a copy of which shall be filed with the County Executive and the Clerk of the Legislature;

- (2) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved for execution to the County Executive for all contracts under the amount of \$50,000. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § C-74B(2) of the County Charter; and
- (3) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved by the County Legislature for all contracts in the amount of \$50,000 or more. Upon approval of said abstract by the County Legislature, the Director of Purchasing shall present the abstract to the County Executive. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § C-74B(2) of the County Charter.”

4. Pursuant to Administrative Code §A16-1B “*The Director of Purchasing shall:*

- (2) *Approve and execute certain contracts as shall be prescribed by the Administrative Code:*
 - (a) The Director of Purchasing shall have the authority and discretion to extend existing contracts and execute same, as well as recurring types of services, including, but not limited to: New York State Office of General Services contracts, piggyback contracts, mandated/preferred source, sole-source, and utility contracts. The Director of Purchasing shall provide a report to be annexed to an abstract of contracts, for reporting purposes only, setting forth those contracts that he or she has executed, and a copy of which

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shall be filed with the County Executive and the Clerk of the Legislature.

- (b) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved for execution to the County Executive for all contracts under the amount of \$50,000. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § A3-4X of the Administrative Code.
- (c) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved by the County Legislature for all contracts in the amount of \$50,000 or more. Upon approval of said abstract by the County Legislature, the Director of Purchasing shall present the abstract to the County Executive. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § A2-5A(15) of the Administrative Code.”

5. The Ulster County Legislature finds that the local law should be amended to allow the Ulster County Legislature to approve contracts which are \$50,000 or more by a corresponding resolution for each contract so as to allow the Ulster County Legislature to vote on such contracts separately.

SECTION 2. Section A2-5A(15)(b) of Local Law No. 10 of 2008 is amended to read as follows:

“(b) The Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature’s

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approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter.”

And Section A3-4X(3) of Local Law No. 10 of 2008 is amended to read as follows:

“(3) The Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature’s approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter.”

And Section A16-1B(2)(c) of Local Law No.10 of 2008 is amended to read as follows:

“(c) The Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature’s approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter.”

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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.

SECTION 4. EFFECTIVE DATE.

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

***Please note Charter language is denoted in italics.