

**Need language drafted for applying to Orange County only requiring all private sector contracts to be negotiated in public**

**Will be called - Civic Reporting Openness in Negotiations Efficiency (CRONEY)**

**(a) Applicability. Applicability** – This law shall apply to all private sector contracts being negotiated between the County of Orange and any private person or entity that seeks to provide services or goods to the County.

**(b) Independent Economic Analysis.**

**Cost of Contracts:** The cost of any private sector contract shall be reviewed by an unbiased independent auditor appointed by the County who shall prepare a report on the cost of the contract and provide the report to all parties and make it available to the public prior to any action to approve or disapprove the contract by the Board of Supervisors.

- The report shall include a recommendation regarding the viability of the contract, include any supplemental data upon which the report is based, and shall determine the fiscal impacts attributable to each term and condition of the contract.
- The report shall be made available to the public at least 30 days before the issue can be heard before the Board and at least 60 days before any action to approve or disapprove the contract by the Board.
- Any proposed changes to the contract after it has been approved by the Board must adhere to the same approval requirements as the original contract. The

changes shall not go into effect until all of the requirements of this section are met.

### **Civic Openness in the Meet and Confer Process.**

The code section will require that all offers and counteroffers be disclosed to the public within 24 hours on the County's website.

Prior to entering into any private sector contract, the County shall release a list of names of all persons in attendance during any negotiation session regarding the contract (whether in person or by electronic means), the date of the session, the length of the session, the location where the session took place and any pertinent facts regarding the negotiations that occurred in that session.

Board of Supervisor representatives shall have a duty to advise the Board of Supervisors of all offers, counteroffers, information, and/or statements of position discussed by the private entity and County representatives participating in negotiations regarding any private sector contract.

This section shall require publication of Board-directed future proposals and/or the analytical thought process utilized by the Board of Supervisors.

Each board member and staff members of board offices shall disclose publicly any and all verbal, written, electronic or other communication(s) regarding a subject matter related to the negotiations or pending negotiations they have had with any official or unofficial representative of the private entity within 24 hours after the communication occurs.

### **Adoption of Contract**

The rendering of a final Board of Supervisors determination regarding approval of any private sector contract shall only be undertaken after the matter has been heard at a minimum of two

(2) board meetings wherein the public has had the opportunity to review and comment on the matter. Not less than seven (7) days prior to the first board meeting where the matter shall be heard, the County shall post on its website the contract under consideration for adoption.

*The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the County of Orange economy and private sector contract policies that apply only to the County of Orange.*