

PROPOSED ORDINANCE NO. 18 - 2021

AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO EXECUTE AN AMENDMENT TO THE SUCCESSOR AGREEMENT WITH THE NASSAU HEALTH CARE CORPORATION

WHEREAS, the County Legislature, by Ordinance 161-A-1999, authorized the County Executive to enter into an acquisition agreement, dated as of September 24, 1999 (the “Acquisition Agreement”), pursuant to which on September 29, 1999, the County transferred to the Nassau Health Care Corporation (“NHCC”) the hospital, nursing home, clinics and certain other healthcare facilities and programs of the County; and

WHEREAS, the County Legislature, by Ordinance No. 58-A-2004, authorized the County Executive to enter into an amendment to the Acquisition Agreement, dated as of September 22, 2004 (as amended, the “Stabilization Agreement”), to, among other things, resolve certain then-existing disputes and establish various procedures between the parties; and

WHEREAS, the County Legislature, by Ordinance 17-2008, authorized the County Executive to enter into a successor agreement, dated as of November 1, 2007 (as amended, the “Successor Agreement”), to supersede or delete certain provisions of the Acquisition Agreement, Stabilization Agreement, and related agreements; and

WHEREAS, since 1999, NHCC has provided in-patient and out-patient care to Nassau County Correctional Center (“NCCC” or the “Jail”) inmates at the Nassau University Medical Center (“NUMC”); and

WHEREAS, commencing September 1, 2017, the County and NHCC entered into an agreement for NHCC to provide health care services at NCCC (as described in Section II.A of such agreement, “Jail-Based Services”) and other services (as amended, the “NCCC Health Services Agreement”); and

WHEREAS, the County and the NHCC have entered into various other agreements for NHCC to provide other health care services to the County; and

WHEREAS, representatives from the County and NHCC’s respective management, operational, accounting and legal departments have engaged in sustained, good-faith negotiations to resolve outstanding claims related to the Acquisition Agreement, the Stabilization Agreement, the Successor Agreement, or any other agreements or amounts, other than Jail-Based Services, through and including December 31, 2019 (the “Outstanding Claims”); and

WHEREAS, the County and NHCC desire to resolve the Outstanding Claims and supersede or delete certain provisions of the Acquisition Agreement, Successor Agreement and the NCCC Health Services Agreement to clarify certain aspects of the relationship between the parties, all as more particularly set forth in the proposed amendment to the Successor Agreement (the “Amendment”), which Amendment is on file with the Clerk of the County Legislature; now therefore,

BE IT ORDAINED BY THE COUNTY LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

Section 1. The County Executive is hereby authorized to execute the Amendment, as well as any and all ancillary agreements related thereto.

§ 2. Severability. If any section, subdivision or provision of this Ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance, or the application thereof to other persons or circumstances.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this Ordinance is a “Type II” Action within the meaning of Section 617.5(c)(26), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§4. This ordinance shall take effect immediately.