Intro. Res. No. 1319-2011 Laid on Table 4/26/2011
Introduced by Legislators Browning and Romaine

RESOLUTION NO. 376 -2011, DIRECTING THE ISSUANCE OF A REQUEST FOR PROPOSALS TO INCREASE SERVICES AND REVENUE AT THE JOHN J. FOLEY SKILLED NURSING FACILITY

WHEREAS, the County of Suffolk owns and operates the John J. Foley Skilled Nursing Facility in Yaphank; and

WHEREAS, the Suffolk County Executive has attempted on multiple occasions to privatize the Foley facility arguing that the County should not continue to support the Foley's operations through transfers from the General Fund; and

WHEREAS, Resolution No. 881-2008 authorized the issuance of a Request for Proposals ("RFP") and/or Request for Expressions of Interest ("RFEI") "to transfer ownership and/or operation and management of Foley to an entity other than Suffolk County"; and

WHEREAS, as a result of issuing the RFP, the County Executive proposed local laws approving the sale of Foley to Kenneth Rozenberg; and

WHEREAS, the County Legislature approved the sale of the Foley facility to Kenneth Rozenberg on March 4, 2011 by Resolution No. 47-2011; and

WHEREAS, subsequent to the enactment of Resolution No. 47-2011, Kenneth Rozenberg demanded the return of his down payment and stated his intention to terminate the contracts, relating to the sale of the Foley facility; and

WHEREAS, while the County's legal dispute with Rosenberg is pending, new alternatives should be explored to maximize the benefits offered by the Foley facility; and

WHEREAS, the County should seek to provide additional services and increase revenues at Foley; and

WHEREAS, the County should determine if these goals can be realized through a public-private partnership; now, therefore be it

1st **RESOLVED**, that the Legislature's Budget Review Office is hereby directed to oversee the drafting and issuance of a RFP and/or RFEI designed to elicit proposals from vendors to provide additional health care services at the Foley facility, including, but not limited to, in-patient acute psychiatric care, traumatic brain injury care, long-term pediatric residential care and outpatient renal dialysis units; and be it further

2nd **RESOLVED**, that the RFP/RFEI shall seek proposals for the construction and occupancy of an appropriately sized assisted living facility on adjoining County-owned property; and be it further

3rd **RESOLVED**, that the Legislature's Budget Review Office is hereby authorized, empowered and directed to take all actions necessary to select a consultant to assist in the

preparation of the RFP/RFEI; the hiring of the consultant shall by subject to legislative approval; and be it further

4th **RESOLVED**, that the Department of Public Works is hereby directed to cooperate fully with the Budget Review Office and to assist in the timely issuance of the RFP/RFEI; and be it further

5th **RESOLVED**, that the Department of Health Services is directed to cooperate fully with the Budget Review Office and the selected consultant and shall provide all information and data necessary to develop the RFP/RFEI; and be it further

6th **RESOLVED**, that the RFP/RFEI will require that responses be submitted within 45 days of the issuance of the RFP/RFEI; and be it further

7th **RESOLVED**, that the RFP Committee shall be comprised of the following members:

1.) The County Executive, or designee;
2.) The Commissioner of the Suffolk County Department of Health Services or a designee who shall have a medical degree;
3.) The Director of the Suffolk County Office for the Aging, or designee;
4.) The Presiding Officer of the Suffolk County Legislature, or designee;
5.) The Director of the Legislature's Office of Budget Review, or designee; and
6.) Two additional Suffolk County Legislators to be selected by the Presiding Officer

and be it further

8th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: May 10, 2011

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 25, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on May 10, 2011 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 the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1319 Res. No. 376

May 10, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					✓
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
6	Sarah S. ANKER	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA	✓				
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER	✓				
5	Vivian VILORIA-FISHER, D.P.O.	✓				
8	William J. LINDSAY, P.O.	✓				
	Totals	18				1

MOTION

X Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess

APPROVED X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature