Intro. Res. No. 1557-2011
Introduced by Legislator Browning

Laid on Table 6/7/2011

RESOLUTION NO. 523 -2011, AMENDING THE 2011 OPERATING BUDGET AND AUTHORIZING THE OPERATION OF THE JOHN J. FOLEY SKILLED NURSING FACILITY

WHEREAS, Resolution No. 47-2011 authorized the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility; and

WHEREAS, the County of Suffolk has been unable to consummate the sale due to the withdrawal of the prospective buyer; and

WHEREAS, the health and safety of the patients requires continuing the operation of the John J. Foley Skilled Nursing Facility until such time as the issue is re-evaluated and a definitive plan and course of action is agreed to; and

WHEREAS, certain critical positions were abolished at the John J. Foley Skilled Nursing Facility to comply with local law after the adoption of the 2011 Operating Budget; and

WHEREAS, Resolution No. 324-2011 amended the 2011 Operating Budget for the John J. Foley Skilled Nursing Facility to operate until June 30, 2011; and

WHEREAS, additional revenue from rebasing of the facility's Medicaid rates, and continued operation of the facility will generate additional Medicaid and Medicare revenues; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

1st **RESOLVED**, that appropriations within Fund 632 John J. Foley Skilled Nursing Facility are to be transferred as shown below in order to operate the facility through December 31, 2011 and assure the health and safety of the patients entrusted to the Suffolk County facility; and be it further

2nd **RESOLVED**, that revenues be adjusted as shown below to account for the additional revenues from Medicaid rebasing and the additional revenue generated by operation of the John J. Foley Skilled Nursing Facility for all of Suffolk County Fiscal Year 2011; and be it further

3rd **RESOLVED**, that the 2011 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations:

REVENUES:

FD	AGY	REV CODE	REVENUE NAME	AMOUNT
632	HSV	1830	Adults in Public Institutions	+$1,294,699
632	HSV	1831	Medicaid-Adult Private Institutions	+$9,118,133
632	HSV	1832	Medicare-Adult Public Institutions	+$548,533

APPROPRIATIONS:

FD	AGY	UNIT	OBJ	UNIT/ACTIVITY & OBJECT NAME	AMOUNT
632	HSV	4530	1410	Clothing Allowance	-$4,600

FD	AGY	UNIT	OBJ	UNIT/ACTIVITY & OBJECT NAME	AMOUNT
632	HSV	4530	1020	Terminal Vacation Pay	+$37,706
632	HSV	4530	1050	Terminal Sick Leave Payments	+$9,557
632	HSV	4530	1080	Retro And Vacation Pay	+$24,424
632	HSV	4530	1100	Permanent Salaries	+$5,612,807
632	HSV	4530	1120	Overtime Salaries	+$927,961
632	HSV	4530	1130	Temporary Salaries	+$196,185
632	HSV	4530	1230	Workman's Comp-Disability	+$62,802
632	HSV	4530	1270	Disability Income	+$19,731
632	HSV	4530	1380	Deferred Pay	+$45,754
632	HSV	4530	1400	Cleaning Allowance	+$10,227
632	HSV	4530	1620	OT - Straight Time	+$34,981
632	HSV	4530	3010	Office Supplies	+$20,659
632	HSV	4530	3020	Postage	+$1,784
632	HSV	4530	3250	Building Materials	+$6,466
632	HSV	4530	3310	Clothing & Accessories	+$20,909
632	HSV	4530	3320	Household & Laundry Supplies	+$102,746
632	HSV	4530	3330	Food	+$355,939
632	HSV	4530	3370	Medical, Dental & Laboratory Supplies	+$178,150
632	HSV	4530	3500	Other: Unclassified	+$49,773
632	HSV	4530	3510	Rent: Business Machines And Sys	+$30,293
632	HSV	4530	3610	Repairs: Office Equipment	+$13,215
632	HSV	4530	3650	Repairs: Building	+$27,450
632	HSV	4530	3660	Service Contracts - Misc	+$10,000
632	HSV	4530	3680	Repairs: Special Equipment	+$21,409
632	HSV	4530	3770	Advertising	+$7,504
632	HSV	4530	3920	Laundry & Sanitation	+$228,227
632	HSV	4530	3930	Cartage	+$136
632	HSV	4530	3950	Notary Fees	+$120
632	HSV	4530	4015	Cellular Communications	+$593
632	HSV	4530	4070	MTA PAYROLL TAX	+$22,261
632	HSV	4530	4140	Transportation: Indigents	+$233,872
632	HSV	4530	4330	Travel: Employee Contract	+$443
632	HSV	4530	4340	Travel: Other	+$545
632	HSV	4530	4560	Fees For Services - Non Employees	+$1,453,800
632	HSV	4530	8330	Social Security	+$526,804
632	HSV	4530	8380	Benefit Fund Contribution	+$183,111

INTERFUND TRANSFERS:

FD	AGY	REV CODE	REVENUE NAME	AMOUNT
016	IFT	2854	Transfer From SC Nursing Home	+$307,870
038	IFT	2854	Transfer From SC Nursing Home	+$179,751
001	IFT	R632	Transfer from SC Nursing Home	-$10,961,365

FD	AGY	EXP CODE	EXPENDITURE NAME	AMOUNT
632	HSV	9810	Transfer To Fd 038 – Self Insurance	+$179,751
632	HSV	9820	Transfer To Fd 016 – Inter-Dept Chrg	+$307,870
632	IFT	E001	Tr to Fd 001 General	-$10,961,365

and be it further

4th **RESOLVED**, that the following positions of employment be restored or added to the John J. Foley Skilled Nursing Facility and that there are sufficient appropriations to fill the positions in accordance with the hiring plan proposed by the current administrator/consultant of the John J. Foley Skilled Nursing Facility.

Position Number	Spec. No.	Position Title	J/C	Grade	No. Created
632-4530 -3701-XXXX	0068	MEDICAL RECORDS ADMINISTRATOR	C	21	1
632-4530 -3701-XXXX	2034	ASSISTANT NURSING CARE DIRECTOR	C	23	1
632-4530 -3600-XXXX	9509	ASSISTANT DIRECTOR NURSING HOME	C	28	1
632-4530 -3702-XXXX	2016	REG NURSE SUPVR-NRSNG HME	C	22	4
632-4530 -3702-XXXX	2011	REGISTERED NURSE	C	19	1
632-4530 -3703-XXXX	8145	DIETETIC SERVICE SUPERVISOR	C	21	1
632-4530 -3703-XXXX	8101	FOOD SERVICE WORKER	L	7	2
632-4530 -3707-XXXX	2665	SUPERVISOR OF MEDICAL SOCIAL WORK	C	25	1
632-4530 -3711-XXXX	3671	ADULT DAY CARE PROG DIRECTOR	C	24	1

and be it further

5th **RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding operations at the John J. Foley Skilled Nursing Facility, until and unless directed otherwise by the Suffolk County Legislature.

DATED: June 21, 2011

APPROVED BY:

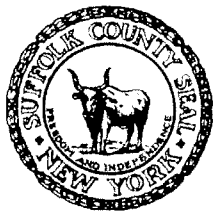
VETOED

County Executive of Suffolk County

Date: JUL 0 7 2011

VETO OVERRIDE ADOPTED ON AUGUST 2, 2011

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

2011 JUL -7 P 4:04

July 7, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION NO. 523 – 2011, AMENDING THE 2011 OPERATING BUDGET AND AUTHORIZING THE OPERATION OF THE JOHN J. FOLEY SKILLED NURSING FACILITY.

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 523 – 2011, AMENDING THE 2011 OPERATING BUDGET AND AUTHORIZING THE OPERATION OF THE JOHN J. FOLEY SKILLED NURSING FACILITY;** vetoed in its entirety.

The 2011 Operating Budget, as legally adopted by the Legislature, funded the skilled nursing facility for only three months, and anticipated savings from the closure of the facility on April 1, 2011 as well as the sale of the building and assets.

Through this resolution, the Legislature is attempting to fund the facility for the duration of the year. Whether or not the Legislature frees up enough real money to cover operating losses, the Legislature in this resolution has failed to address the $17-18 million loss in budgeted revenue that would have been realized from the closure and sale of the assets.

This resolution also fails to address the long-term structural budget deficiencies that are inherent in public sector competition against the private sector, and is overly reliant on one-time, inflated reimbursement Medicaid numbers that cannot be expected to continue.

Furthermore, since the adoption of this resolution, the court order against implementing closure has been lifted.

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

Given all of these considerations, closure of facility and sale of the assets may still be a necessary step to address our budget issues.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,

Steve Levy
County Executive of Suffolk County

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark L. Smith, Deputy Director of Communications

Intro. Res. 1557 Res. No. 573 June 21, 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	16	—		1	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

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 Aug 2,2011 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. 1557 Res. No. 523 August 2, 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	15	2	—	—	1

MOTION
____Approve
____Table:_____
____Send To Committee
____Table Subject To Call
____Lay On The Table
____Discharge
____Take Out of Order
____Reconsider
____Waive Rule ____
X Override Veto
____Close
____Recess
APPROVED X FAILED____
No Motion___ No Second___

RESOLUTION DECLARED
X ADOPTED
____NOT ADOPTED

Roll Call X Voice Vote____

Tim Laube

Tim Laube, Clerk of the Legislature