

ORANGE COUNTY LEGISLATURE

Committees: Health and Mental Health; Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 1

RESOLUTION NO. OF 2014

AUTHORIZING THE TRANSFER OF ALL RIGHT, TITLE AND INTEREST OF THE FACILITY (AS DESCRIBED BELOW), TO THE ORANGE VALLEY VIEW DEVELOPMENT CORPORATION AND WITH RESERVATION OF RIGHTS TO THE COUNTY TO CONTINUE TO OPERATE AS A TENANT OF THE FACILITY.

WHEREAS, the County of Orange (the "County") owns and operates The Valley View Center for Nursing Care and Rehabilitation facility located at Glenmere Cove, Goshen, Orange County, New York 10924 under NYSDOH Certificate No. 3523301N as a 360 bed Residential Health Care Facility (the "County License") on approximately 29 acres designated as (a portion of) tax parcel no. Town of Goshen, Section 20, Block 1, Lot 10.21 (the land to be designated as tax parcel no. Town of Goshen Section 20, Block 1, Lot 10.211 (description of said 29 acres attached hereto for reference), with appurtenant rights, buildings, furniture, fixtures, equipment and capital assets used or useful in the operation of the 360 bed Residential Health Care Facility is hereinafter referred to as the "Facility"); and

WHEREAS, the County has examined the operations at the Facility in order to determine the feasibility of continuing its operation as a County owned and operated facility, including but not limited to business impediments unique to municipalities such as rising benefit costs and the cost of providing for major infrastructure improvements and/or reconstruction within County fiscal constraints, among other impediments and on advice of counsel and other professionals involved in other county nursing home transitions there may be a preference by bidders and a potential for obtaining a higher price given the contractual certainty that can be created through the transfer contemplated herein; and

WHEREAS, the County desires to evaluate the possible disposition of the Facility to a private entity to facilitate redevelopment of the Facility to provide improved services in a modern, efficient and economical setting and thereby preserve jobs in the County and is aware of the favorable results that occurred with the Ulster County matter as described in the media and confirmed through discussions with Ulster County representatives; and

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the "LDC Act") authorizes not-for-profit local development corporations operated exclusively for charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training

individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the LDC Act authorizes the legislative body of the County, by resolution, to determine that certain real property of the County not required for use by the County may be sold or leased to a not-for-profit local development corporation, lessening the burdens of government and acting in the public interest; and

WHEREAS, Section 1411(d) of the LDC Act further provides that the sale or lease may be on such terms as may be agreed upon by the County and the local development corporation, without appraisal or public bidding, provided the County first holds a public hearing on ten (10) days' notice; and

WHEREAS, in furtherance of the public purposes set forth in the LDC Act, the County held a public hearing on ten (10) days' notice on or prior to the date hereof and now desires to transfer the Facility to Orange Valley View Development Corporation (the "Corporation"), a not-for-profit local development corporation formed pursuant to Section 1411(a) of the LDC Act, by ninety-nine (99) year lease with exclusive option to take fee title to the Facility at any time by deed from the County (the "Disposition"), reserving to the County the right to continue to operate the Facility under the County license until such time as the Corporation terminates said right ("Reservation of Rights Agreement") with the real property constituting the Facility transferred under the authority of the LDC Act by resolution of the Legislature and the personal property constituting the Facility transferred under the authority of County Law Section 215(9) by resolution of the Legislature; and

WHEREAS, during the term of the Reservation of Rights Agreement the County will continue to be the licensed operator and the employees of the Facility will continue as county employees with all County rights and benefits associated therewith until such time as the Corporation identifies an alternative licensed operator and gives sixty (60) days' notice of termination of the County reserved rights;

WHEREAS, the County Executive recommends that the Legislature of Orange County ratify the prior establishment of the Corporation and transfer the Facility to the Corporation as described herein so the board of the Corporation can balance County fiscal realities with quality of care for the patients, continuing availability of services for County residents, employment opportunities through operations of the Facility and the other enumerated concerns described below.

NOW THEREFORE BE IT,

RESOLVED, the Corporation is and will be subject to and shall comply with the Open Meetings Law of the State of New York, as set forth within Article 7 of the Public Officers Law and is and will be subject to and shall comply with the Freedom of Information Law of the State of New York, as set forth within Article 6 of the Public Officers Law; and be it further

RESOLVED, the Corporation shall comply with the State Environmental Quality Review Act, as set forth within Article 8 of the New York Environmental Conservation Law; and be it further

RESOLVED, the books and records of account of the Corporation are and shall be subject to inspection and/or audit at any time by the Office of the New York State Comptroller; and be it further

RESOLVED, that pursuant to 6 NYCRR Section 617.6, the Legislature of Orange County, on behalf of the County, being an involved agency under the State Environmental Quality Review Act, has reviewed the short form Environmental Assessment Form in this matter and hereby finds and determines that, this resolution constitutes an Unlisted Action and finds that the action will have no significant, adverse environmental impacts and issues a negative declaration; and be it further

RESOLVED, the Legislature of Orange County hereby determines in accordance with Section 1411(d) (1) of NPCL that the real property constituting a part of the Facility is "not required for use by" the County and that pursuant to County Law Section 215(9) that the personal property constituting a part of the Facility is no longer necessary for public use in that the real and personal property interests retained under the Reservation of Rights Agreement permit uninterrupted and continued operation of the Facility by the County until a new licensed operator is identified by the Corporation; and be it further

RESOLVED, that the Legislature of Orange County hereby ratifies the prior formation and organization of the Corporation pursuant to Section 1411 of Not-For-Profit Corporation Law of the State of New York subject to the Corporation being limited to acquiring, assisting in the financing and disposing of the Facility and, upon completion, the Corporation shall be dissolved and all net proceeds shall be paid to the County; and be it further

RESOLVED, that the County shall be the sole member of the Corporation, acting by and through the County Executive, ex officio; and be it further

RESOLVED, that the Corporation is and shall continue to be governed by seven voting directors, all of whom having been previously appointed by the Member, with one director having been appointed by the Member upon recommendation of the Chairman of the Legislature; and one director having been appointed by the Member upon the recommendation of the Majority Leader of the Legislature; and one director having been appointed by the Member upon the recommendation of the Minority Leader of the Legislature; and three members having been appointed by the Member upon his own recommendation; and a seventh director having being appointed by the Member upon a recommendation of the Majority of the remaining directors; and such directors are, to the extent necessary, hereby ratified, validated, and confirmed; and be it further

RESOLVED, that vacancies in the office of any director shall be filled for the unexpired term of such in the same manner as the original appointment; and each such existing term and future terms shall be for two years from the date appointed; and be it further

RESOLVED, that the Corporation shall not transfer the Facility, by sale or lease, if at all, on or before December 31, 2014;

RESOLVED, that the Disposition and related Reservation of Rights Agreement are hereby approved with the Reservation of Rights Agreement term continuing until such time as the Corporation has given sixty (60) days written notice to the County terminating the reserved rights ("Termination Date"); provided the transition to the new licensed operator occurs on the Transition Date by means approved by the NYS Department of Health, and subject further to the County's retention of all supplies and inventory with any remaining supplies and inventory at the time of the Termination Date being disposed of by the County to a future licensed operator of the Facility; provided the Disposition and Reservation of Rights Agreement shall be subject to the Corporation, if it so chooses, seeking to transfer the Facility to the highest qualified bidder with the Corporation considering, where applicable, the bidder's:

- a. competency and character;
- b. history of employee relations and practices;
- c. quality of care of residents;
- d. record of retaining facilities subsequent to acquisition;
- e. willingness to agree to build a new facility at the site or to expand services;
- f. willingness to continue to care for all existing residents at the time of acquisition (unless otherwise indicated by the New York State Department of Health criteria);
- g. financial stability;
- h. demonstrated ability to address concerns of residents and family members at any facility that the bidder operates;
- i. willingness to consider existing staff as potential employees;
- j. ability to finance the purchase and operations of the Facility and existing relationships with the NYS Department of Health;

RESOLVED, that the Legislature of Orange County authorizes the County Executive, upon the advice of the County Attorney, to execute any and all documents, instruments and agreements or applications necessary or ancillary to the foregoing to effectuate the intent and purpose of these resolutions, and shall document the Reservation of Rights Agreement from the Corporation to the County that provides that the County shall pay all costs of the Corporation and shall pay all operational costs of the Facility while a tenant; and be it further

RESOLVED, by these resolutions the Legislature does not intend to "create, alter, combine or abolish county administrative units not headed by elective officials" and expressly recognizes that the County Executive has assigned duties to the Commissioner of Residential Health Care Services as contemplated by County Charter to serve a broader role in advocating for the healthcare needs of residents of nursing homes in the County, tracking former patients of the current, County owned nursing home during any transition of the Facility to a new licensed operator and serving as a resource for those County residents in need of nursing home care, and the Department of Residential Health Care Services continues to exist after the passage of these resolutions; and be it further

RESOLVED, that if the Corporation shall fail to enter into a lease or transfer of the facility as authorized herein by December 31, 2017, the approval of the County Legislature to transfer the facility pursuant to the authority herein shall be limited to transferring the facility back to the County of Orange; and be it further

RESOLVED, that, unless litigation is initiated by a transferee (either by lease or sale from the Corporation), or if any part of (or both of in their totality) the preceding two paragraphs of this Resolution are deemed to be in violation of any law as adjudged by any Court of competent jurisdiction, or has the impact of otherwise voiding the transfer of the facility by the Corporation, this Legislature specifically withdraws and voids such provisions as are deemed unlawful and the same may be stricken without the same affecting the remainder of this Resolution.

29A +/- PORTION OF VALLEY VIEW

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE TOWN OF GOSHEN, COUNTY OF ORANGE AND STATE OF NEW YORK, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF JESSUP SWITCH ROAD, SAID POINT BEING THE MOST NORTHWESTERLY CORNER OF THE COUNTY OF ORANGE AND RUNNING ALONG THE GOSHEN SENIOR HOUSING ASSOCIATES LP:

- 1) S45°41'51"E 123.44' TO A POINT, THENCE
 - 2) S44°41'51"E 164.81' TO A POINT, THENCE
 - 3) S49°09'40"W 30.77' TO A POINT, THENCE
 - 4) S42°20'40"E 119.04' TO A POINT, THENCE
 - 5) N50°55'00"E 225.00' TO A POINT, THENCE
 - 6) N46°28'30"E 42.00' TO A POINT, THENCE
 - 7) ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 127.00' & A LENGTH OF 85.58', AND A CHORD OF S24°13'10"E 83.97' TO A POINT, THENCE
 - 8) S04°54'50"E 84.84' TO A POINT, THENCE
 - 9) N87°01'56"E 40.02' TO A POINT, THENCE
 - 10) S04°54'50"E TO THE NORTHERLY SIDE OF A PAVED ENTRYWAY.
 - 11) THENCE ALONG SAID ENTRYWAY, BEING 50' IN WIDTH, NORTHEASTERLY TO THE SOUTHERLY SIDE OF ORANGE FARMS ROAD & CO. HWY. 68.
 - 12) THENCE ALONG THE SOUTHERLY SIDE OF SAID ROAD TO THE SOUTHERLY SIDE OF THE 50' ENTRYWAY.
 - 13) THENCE SOUTHWESTERLY AND RUNNING PARALLEL AND 50' FROM THE NORTHERLY SIDE OF THE ENTRYWAY TO THE EASTERLY SIDE OF A PAVED DRIVEWAY.
 - 14) THENCE ALONG THE EASTERLY SIDE OF SAID PAVED DRIVEWAY AND CONTINUING IN A STRAIGHT LINE ABOUT 450' MORE OR LESS, TO A LINE BEING AN EXTENSION OF A SOUTHWESTERLY TREE LINE.
 - 15) THENCE ALONG SAID EXTENSION OF A TREE LINE, SOUTHWESTERLY AND CONTINUING IN A STRAIGHT LINE ALONG THE TREE LINE ABOUT 1000' MORE OR LESS TO THE EXTENSION OF THE NORTHERLY BOUNDARY LINE OF LOT 40 OF ORANGE COUNTY FARM SOUTH SECTION MAP 5209.
 - 16) THENCE ALONG SAID EXTENSION LINE AND CONTINUING ALONG THE NORTHERLY SIDE OF LOT 40 BEING (20-1-139) ABOUT 950' MORE OR LESS TO THE EASTERLY SIDE OF THE FORMER ERIE LACKAWANNA RAILROAD.
 - 17) THENCE ALONG THE EASTERLY SIDE OF SAID RAILROAD TO THE SOUTHERLY SIDE OF JESSUP SWITCH RD.
 - 18) THENCE ALONG THE SOUTHERLY SIDE OF SAID ROAD TO THE POINT OF BEGINNING.
- CONTAINING ABOUT 29 ACRES MORE OR LESS.

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 2

RESOLUTION NO. OF 2014

RESOLUTION REVISING THE PROPOSED 2015 EXECUTIVE BUDGET FOR ORANGE COUNTY, PURSUANT TO SECTION 358 OF THE COUNTY LAW AND SECTION 4.07 (a) OF THE ORANGE COUNTY CHARTER.

WHEREAS, this Legislature has held a public hearing upon the budget as submitted to it by the County Executive; and

WHEREAS, this Legislature does wish to amend said proposed budget in certain respects, all in accordance with the provisions of Section 4.07 of the Orange County Charter.

RESOLVED, that the changes, alterations and revisions set forth in the schedule annexed to this resolution and made a part hereof are hereby made as amendments to the 2015 Executive budget for Orange County.

FURTHER RESOLVED, that the totals of said budget be amended so that the total estimated revenues, together with the amount of taxes to be levied, shall equal the total estimated expenditures.

LEGISLATIVE ADJUSTMENTS (2015 RECOMMENDED BUDGET)

	EXPENSES	REVENUES		
	<u>State</u>	<u>Federal</u>	<u>Surplus</u>	<u>Other</u>
				<u>County</u>
1 Information Technology				
County Taxation				(\$20,000)
Personnel - Courier	(\$20,000)			
2 Youth Bureau				
County Taxation				(\$20,000)
Personnel - Sr. Secretary	(\$20,000)			
3 Orange County Partnership				
County Taxation				(\$17,000)
Contractual	(\$17,000)			
4 EDZ				
County Taxation				(\$3,000)
Contractual	(\$3,000)			
5 Emergency Services - Admin.				
County Taxation				(\$25,000)
Contractual - Police Academy	(\$25,000)			
6 Jail				
Personnel - Overtime	(\$1,050,000)			
Personnel - Correction Officers	\$638,400			
Benefits - Correction Officers	\$411,600			
7 Water Authority				
Other Revenues			\$294,914	
Contractual	\$294,914			
8 Assigned Counsel				
County Taxation				(\$296,000)
Contractual	(\$296,000)			
9 Undistributed Revenues				
County Taxation			\$1,200,000	(\$1,200,000)
Surplus - Other Reserves W.C.			\$1,200,000	
10 Health Insurance				
County Taxation				(\$500,000)
Hospitalization	(\$500,000)			

LEGISLATIVE ADJUSTMENTS (2015 RECOMMENDED BUDGET)

	EXPENSES	REVENUES		
	<u>State</u>	<u>Federal</u>	<u>Surplus</u>	<u>Other</u>
				<u>County</u>
11 Early Intervention				
County Taxation				(\$405,000)
State Aid	(\$303,347)			
Federal Aid		(\$8,109)		
Contractual	(\$716,456)			
12 Jail				
County Taxation				(\$200,000)
Personel - Overtime	(\$200,000)			
Probation				
County Taxation				\$200,000
Personel - Probation Officer	\$120,000			
Benefits - Probation Officer	\$80,000			
13 Public Works - Admin.				
County Taxation				(\$350,100)
Contractual - Specialty Payments	(\$350,100)			
14 Parks				
County Taxation				(\$50,000)
Contractual - Specialty Materials	(\$50,000)			
15 Contingency				
County Taxation				\$2,886,100
Contractual	\$2,886,100			
TOTAL LEG. ADJUSTMENTS:	<u>\$1,183,458</u>	<u>(\$303,347)</u>	<u>(\$8,109)</u>	<u>\$0</u>
				<u>\$1,494,914</u>
				<u>\$0</u>

SUMMARY
2015 EXECUTIVE RECOMMENDED BUDGET
TOTAL LEGISLATIVE ADJUSTMENTS
2015 PROPOSED LEGISLATIVE BUDGET

GROSS BUDGET	COUNTY TAXATION
\$703,239,265	\$116,009,779
<u>\$1,183,458</u>	<u>\$0</u>
\$704,422,723	\$116,009,779

2015 Capital Plan

Information Technology - Reduce 2015 Technology Systems Update by \$50,000.

Legislative changes made to the 2015 Executive Recommended Budget:

Fund	Org.	Department	Account	Description	Expenses		Revenues			
					State	Federal	Surplus	Other	County	
1010	168007	Information Technology	410011	County Tax						
1010	168007	Information Technology	560320	Aust. Adj. (Courier)	(20,000)					(20,000)
1010	731001	Youth Bureau	410011	County Tax						
1010	731001	Youth Bureau	560320	Aust. Adj. (Sr. Secretary)	(20,000)					(20,000)
1010	642001	Promotion of Industry	410011	County Tax						
1010	642001	Promotion of Industry	576820	Specialty Payments (O. C. Partnership)	(17,000)					(17,000)
1010	698901	Economic Dev. Zone	410011	County Tax						
1010	698901	Economic Dev. Zone	573100	Office Supplies	(500)					(500)
1010	698901	Economic Dev. Zone	573140	Postage	(1,050)					(1,050)
1010	698901	Economic Dev. Zone	573240	Food	(300)					(300)
1010	698901	Economic Dev. Zone	566340	Telephone	(600)					(600)
1010	698901	Economic Dev. Zone	576640	Advertising	(500)					(500)
1010	698901	Economic Dev. Zone	579410	Dues	(50)					(50)
1010	398902	Emergency Svcs. Police	410011	County Tax						
1010	398902	Emergency Svcs. Police	576820	Specialty Payments	(25,000)					(25,000)
1010	315014	Jail	560220	Overtime	(1,050,000)					(1,050,000)
1010	315014	Jail	560320	Aust. Adj. (Corrections Pers.)	638,400					638,400
1010	315014	Jail	586990	Aust. Adj. (Corrections Benefits)	411,600					411,600
1040	831001	Water Authority	428011	Interfund Revenue				294,914		294,914
1040	831001	Water Authority	576820	Specialty Payments	294,914					294,914
1010	117002	Assigned Counsel	410011	County Tax						
1010	117002	Assigned Counsel	576920	Assigned Counsel	(296,000)					(296,000)
1010	990001	Undistributed Revenues	410011	County Tax						
1010	990001	Undistributed Revenues	415931	Surplus Other Reserves - W.C.				1,200,000		1,200,000
1010	906001	Health Insurance	410011	County Tax						
1010	906001	Health Insurance	586601	Hospitalization	(500,000)					(500,000)

Legislative changes made to the 2015 Executive Recommended Budget:

Fund	Org.	Department	Account	Description	Expenses		Revenues			
					State	Federal	Surplus	Other	County	
1010	405901	Early Intervention	410011	County Tax						(405,000)
1010	405901	Early Intervention	434481	EI Grants	(303,347)					
1010	405901	Early Intervention	444511	EI Federal		(8,109)				
1010	405901	Early Intervention	576820	Specialty Payments			(716,456)			
1010	315014	Jail	410011	County Tax						(200,000)
1010	315014	Jail	560220	Overtime			(200,000)			
1010	314013	Probation	410011	County Tax						200,000
1010	314013	Probation	560320	Aust. Adj. (Probation Pers.)			120,000			
1010	314013	Probation	586990	Aust. Adj. (Probation Benefits)			80,000			
1010	149001	DPW Admin.	410011	County Tax						(350,100)
1010	149001	DPW Admin.	576820	Specialty Payments			(350,100)			
1010	711001	Parks	410011	County Tax						(50,000)
1010	711001	Parks	573820	Specialty Materials			(50,000)			
1010	199001	Contingency	410011	County Tax						2,886,100
1010	579880	Contingency	579880	Prov. For General Contingencies						
TOTAL 2015 LEGISLATIVE ADJUSTMENTS:					1,183,458	(303,347)	(8,109)	0	1,494,914	0