



CATTARAUGUS COUNTY

John R. Searles, County Administrator

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, February 28, 2018**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$237,737

4:00 p.m. CALL TO ORDER
 ROLL CALL
 INVOCATION
 PLEDGE OF ALLEGIANCE
 COMMUNICATIONS
 PRIVILEGE OF THE FLOOR
 • *Farm Bureau - Annual Presentation*
 MINUTES OF PREVIOUS MEETING
 RESOLUTIONS/MOTIONS/NOTICES READY FOR ACTION
 RESOLUTIONS – IMMEDIATE CONSIDERATION
 UNFINISHED BUSINESS
 ADJOURNMENT

ACT NO.
108-18

RESOLUTIONS NOT READY FOR ACTION

Ms. Vickman, Mr. Snyder, Jr., and Mr. Padlo
LOCAL LAW NUMBER 2-2018 - A LOCAL LAW DECLARING THE OPIOID EPIDEMIC
AND ITS EFFECTS ON CATTARAUGUS COUNTY A PUBLIC NUISANCE AND FURTHER
ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY'S
EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID
EPIDEMIC

AMENDED: in Section 6, subsection 6.4 and 6.5 add "over"

Additional sponsors: Mr. Breton and Mr. Koch

Approved by 5 Finance and 6 Human Services

RESOLUTIONS READY FOR ACTION

94-18

Mr. Snyder, Sr.
APPOINTMENT TO CATTARAUGUS COUNTY JURY BOARD
Approved by 5 Finance and 6 County Operations/Public Safety

95-18

Mr. Giardini and Mr. Helmich
REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR PURCHASE OF
ARTICULATED WHEEL LOADER (Department of Public Works)
Approved by 5 Finance and 7 Public Works

- 96-18 Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman and Mr. Giardini
APPOINTMENT OF PUBLIC DEFENDER
Additional sponsor: Mr. Koch
Approved by 5 Finance and 6 County Operations/Public Safety
- 97-18 Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman and Mr. Giardini
APPOINTMENT OF COMMISSIONER OF PUBLIC WORKS
Additional sponsor: Mr. Koch
Approved by 5 Finance and 7 Public Works
- 98-18 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LABELLA ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR HINSDALE BRIDGE NO. 62
Approved by 5 Finance and 7 Public Works
- 99-18 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HOUSTON-GALVESTON AREA COUNCIL FOR COOPERATIVE PURCHASING PROGRAM
Approved by 5 Finance and 7 Public Works
- 100-18 Mr. Giardini and Mr. Helmich
DECLARING COUNTY-OWNED PROPERTY IN THE VILLAGE OF LITTLE VALLEY NO LONGER NECESSARY FOR PUBLIC USE AND AUTHORIZING EXECUTION OF A QUIT-CLAIM DEED (Former Department of Social Services, Health Department and Youth Bureau Offices)
Approved by 5 Finance and 7 Public Works
- 101-18 Mr. Snyder, Jr., Mr. Snyder, Sr., and Ms. Hastings
AUTHORIZING THE SALE OF CURTIS STREET RESIDENTIAL PROPERTY OWNED BY JAMESTOWN COMMUNITY COLLEGE
Approved by 5 Finance
- 102-18 Mr. VanRensselaer and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SENECA-SALAMANCA AREA CHAMBER OF COMMERCE, INC. FOR INFORMATION CENTER MANAGER/COORDINATOR
Approved by 5 Finance and 5 Development & Agriculture
- 103-18 Mr. Helmich, Mr. Higgins and Mrs. Labuhn
AUTHORIZING TRANSFER OF UNEXPENDED GRANT FUNDS TO CATTARAUGUS COUNTY LAND BANK CORPORATION AND TRANSFER OF FUNDS (Cattaraugus County Land Bank)
Approved by 5 Finance and 5 Development & Agriculture

- 104-18 Mr. Snyder Sr.
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS
REHABILITATION CENTER, INC. FOR SHREDDING SERVICES AND RESCINDING ACT
55-2018
Approved by 5 Finance and 6 County Operations/Public Safety
- 105-18 Ms. Vickman and Mr. Snyder, Jr.
AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS RECEIVABLE IN
THE DEPARTMENT OF HEALTH
Approved by 5 Finance and 6 Human Services
- 106-18 Ms. Vickman
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Health)
Approved by 5 Finance and 6 Human Services
- 107-18 Ms. Vickman and Mr. Snyder, Jr.
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CAROLINE J. WOODHEAD
PAINTER, M.S. CCC-SLP, FOR HEALTH DEPARTMENT SPEECH THERAPY SERVICES
Approved by 5 Finance and 6 Human Services
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- 109-18 Ms. Vickman, Mr. Snyder, Jr., and Mr. Padlo
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2-2018
Approved by 5 Finance and 6 Human Services
- 110-18 Ms. Vickman and Mr. Snyder, Jr.
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SALAMANCA YOUTH
BUREAU FOR NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS
REACHING PEOPLE WITH DISABILITIES THROUGH HEALTHY COMMUNITIES
PROJECT
Approved by 5 Finance and 6 Human Services
- 111-18 Ms. Vickman and Mr. Snyder, Jr.
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND CHILDREN'S HEALTH HOMES OF UPSTATE NEW YORK, LLC
FOR DEPARTMENT OF COMMUNITY SERVICES HEALTH HOME BILLING AND
ACCOUNTS RECEIVABLE MANAGEMENT SERVICES
Approved by 5 Finance and 6 Human Services
- 112-18 Ms. Vickman and Mr. Snyder, Jr.
AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH CATTARAUGUS
COUNTY COMMUNITY SERVICES BOARD AND OLEAN MEDICAL GROUP, LLP FOR
DEPARTMENT OF COMMUNITY SERVICES OFFICE SPACE
Approved by 5 Finance and 6 Human Services
- 113-18 Mr. Boberg, Mr. Breton, Mr. Klancer, Mr. Snyder, Jr., Mr. Giardini and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GHD CONSULTING
SERVICES, INC. FOR FARWELL AND FIVE POINTS LANDFILLS GROUNDWATER
MONITORING VARIANCE REQUESTS AND ADJUSTING VARIOUS APPROPRIATION
ACCOUNTS (Department of Public Works)
Approved by 4 Finance and 6 Public Works

**LOCAL LAW NUMBER 2 - 2018
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON
CATTARAUGUS COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A
COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED
IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC**

BE IT ENACTED, by the County Legislature of the County of Cattaraugus as follows:

Section 1. Title. This Local Law shall be known as "A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON CATTARAUGUS COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC".

Section 2. Purpose and Intent.

2.1 The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Cattaraugus County, New York (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

2.2 The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

Section 3. Definitions.

3.1 "Costs" means all expenditures related to the opioid epidemic that directly or indirectly arise from the County's response to a responsible party's action or inaction.

3.2 “Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

Section 4. Governmental Function Cost Recovery. The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

Section 5. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery. The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

Section 6. Public Nuisance. The County hereby finds and declares the following:

6.1 That addiction to and abuse of opioids is one of the greatest challenges facing the County;

6.2 A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;

6.3 There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;

6.4 The selling, distributing, and **over** prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;

6.5 That selling, distributing, and **over** prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;

6.6 That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;

6.7 That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and

6.8 That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

Section 7. Retroactive Application. This legislation applies retroactively.

Section 8. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

Section 9. Effective Date. This Local Law shall become effective as provided in Municipal Home Rule Law Section 27.