


Submitted by the County Executive and Introduced by Presiding Officer Gonsalves,  
Legislators Nicoletto, Koppel, Ford, Gaylor, Muscarella, Kennedy, Schaefer, Dunne,  
Walker, MacKenzie and Rhodes

LOCAL LAW NO. 1 - 2016

A LOCAL LAW TO AMEND THE COUNTY GOVERNMENT LAW OF NASSAU  
COUNTY IN RELATION TO PERSONAL SERVICE CONTRACTS.

Passed by the Nassau County Legislature on March 21, 2016  
Voting: ayes: 19 nays: 0 abstained: 0

Became a law on March 29, 2016 with the approval of the County Executive.

APPROVED AS TO FORM  
  
Deputy County Attorney

WHEREAS, the County Charter provides for personal service contracts with a value greater than \$25,000 to be filed with this Legislature and approved by the Rules Committee; and

WHEREAS, the County Executive recommends that in order to promote greater transparency, personal service contracts with a value between \$1,000 and \$25,000 be subject to review and approval by this Legislature's Rules Committee; and

WHEREAS, the County Executive had previously proposed and this Legislature enacted local laws requiring the registration of lobbyists and the public disclosure of campaign contributions; now, therefore,

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. § 103(8) of the County Government Law of Nassau County (the County Charter) is hereby amended to read as follows:

8. review and approve, to the following extent and in the following manner, through its Rules Committee, personal service contracts proposed to be entered into by the County Executive. Personal service contracts are contracts for professional and other technical services which are not subject to the competitive bidding requirements under Section 2206 of the County Government Law of Nassau or section 103 of the General Municipal Law. Contracts that are so characterized shall be included in this definition, even if they are otherwise denominated. A determination that a person, firm or entity, or affiliated person, firm or entity is uniquely qualified to perform the services required under a personal service contract shall not be solely based on the facts and circumstances that said person, firm or entity or affiliated person, firm or entity has had an historic or continuing relationship with the county in providing said service or a similar service.
- a) Except as otherwise provided in this subsection, without a resolution approved by the Rules Committee of the County Legislature, any personal service contract, professional service contract, and similarly characterized contract, memoranda or agreement shall be limited to an expenditure of one thousand (\$1,000) dollars and a term of one (1) year.
  - b) If the County Executive or Deputy County Executive determines that the exigencies of the circumstances warrant, the County Executive or Deputy County Executive can authorize a contract for up to ten thousand dollars (\$10,000) without approval of the Rules Committee. If the County Executive or Deputy County Executive determine that more than ten thousand dollars (\$ 10,000) worth of work is necessary and must be performed on an emergency basis, because of a threat to the health or safety of the residents and/or employees of Nassau County, by a person, firm, entity or affiliated person, firm or entity the Rules Committee, after actual notice to the Presiding Officer, Chairperson of the Rules Committee, or Clerk of the Legislature, shall convene within twelve (12) hours of said notice to consider the matter for the purpose of authorizing such expenditures. Failure of the Rules Committee to convene within twelve (12) hours shall be deemed an approval. If the County Executive or Deputy County Executive determine that more than ten thousand dollars (\$ 10,000) worth of work is necessary and must be performed on an emergency basis by a person, firm, entity or affiliated person, firm or entity but if the nature of the emergency does not constitute a threat to the health or safety of the residents and/or employees of Nassau County, the Rules Committee shall convene within seventy-two (72) hours of the actual notice by the County Executive or Deputy County Executive to the Presiding Officer, the Chairperson of the Rules Committee or the Clerk of the County Legislature to consider the matter for the purpose of authorizing such expenditures. Failure of the Rules Committee to convene within seventy-two (72) hours shall be deemed an approval.
  - c) The following contracts and services are exempt from this subsection:
    - i) personal service contract(s), professional service contract(s) and similar contract(s), memoranda and agreement(s) which are already subject to the approval of the County Legislature;

- ii) procurements made pursuant to General Municipal Law sections 103, 104 and 120-w, State Finance Law section 175-b and Correction Law section 186;
  - iii) transactions or contracts with the United States of America, any state and any political subdivision, agency or instrumentality thereof unless such transaction or contract is required by law to be approved by the County Legislature;
  - iv) contracts for the services of expert witnesses for use in, or in anticipation of, a specific adjudicatory proceeding or litigation;
  - v) contracts for services of attorneys to provide respective legal counsel to the County Executive or the Presiding Officer limited to the two (2) following areas;
    - aa) To defend the County Executive or Presiding Officer in a lawsuit in which the County Executive or Presiding Officer is named as a party in his or her governmental or individual capacity;
    - bb) To provide specialized legal counsel to the County Executive, individually, or to the Presiding Officer, individually, in certain sensitive governmental areas which require the use of outside counsel.
  - vi) procurements which involve the expenditure: of federal or state assistance where and to the extent that federal and state law, rules or regulations conflict with the provisions of this subsection,
  - vii) any procurement for the purpose of entering into a contract or contracts with not-for-profit organizations for the purposes of providing aid, care and support to persons in need of public assistance;
  - viii) any procurement for the purpose of entering into a contract with persons to provide direct services to senior citizens, including care, counseling, referral, case management, social and nutritional support, and other essential outreach services;
  - ix) any procurement contract required to be made pursuant to federal, state or local law; and
  - x) contracts with recipients for the disbursements of grants under the Community Development Block Grant Program.
- c) Unless otherwise provided for in this subsection, personal service contracts that are required to be brought before the Rules Committee of the County Legislature by this agreement shall be referred and acted upon by the Rules Committee within forty-five (45) days of their having been referred to the Clerk of the County

Legislature, provided, however, that within that forty-five (45) day period no work shall be performed pursuant to said contract except as otherwise provided by this agreement or by law. Furthermore, if the Rules Committee fails to act within forty-five (45) days as provided herein, said contract shall be deemed approved as if the Rules Committee had acted in the affirmative.

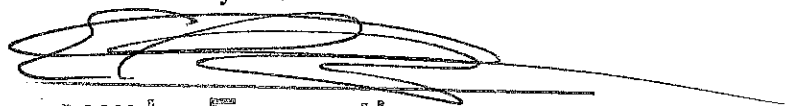
- d) Anytime this subsection is amended, the provisions of such amendment to this subsection shall not apply to any contract filed with the Clerk of the County Legislature prior to the effective date of the amendment. Any contract filed with the Clerk of the Legislature prior to the effective date of any amendment to this subsection shall be governed by the provisions of this subsection in effect prior to the effective date of the amendment. Any contract filed prior to the effective date of any subsection amendment which is thereafter amended, modified or extended after the effective date of the subsection amendment shall be deemed to be a new filing and will be subject to the subsection amendment.

Section 3. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, 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 application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. 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 local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 5. This local law shall take effect immediately.

March 3, 2016 (2)

**APPROVED**  
  
County Executive  
March 29, 2016