

Introduced by: Presiding Officer Norma L. Gonsalves, Deputy Presiding Officer Richard J. Nicoletto, Alternate Deputy Presiding Officer Howard J. Kopel, Minority Leader Kevin Abrahams, Legislator Siela Bynoe, Carrie Solages, Denise Ford, Laura Curran, C. William Gaylor III, Vincent Muscarella, Ellen Birnbaum, Delia DeRiggi-Whitton, James Kennedy, Laura Schaefer, Dennis Dunne, Sr., Judita Jacobs, Rose Marie Walker, Donald MacKenzie, Steven Rhoads.

LOCAL LAW NO. 3 - 2016

A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF NASSAU COUNTY IN RELATION TO THE PROHIBITION OF DISCRIMINATORY ANTI-COMPETITIVE BUSINESS PRACTICES BY COMPANIES THAT PARTICIPATE IN BOYCOTT DIVEST SANCTIONS ACTIVITIES

Passed by the Nassau County Legislature on May 23, 2016
Voting: ayes: 19 nays: 0 abstained: 0

Became a law on May 26, 2016 with the approval of the County Executive.

WHEREAS, Nassau County has an interest in procuring the most competitive bids for its contractual purchases; and

WHEREAS, Nassau County has an interest in taking a stand against discrimination; and

WHEREAS, the Boycott Divest Sanctions movement (BDS) is a political movement designed to inflict economic damage upon the nation of Israel through the boycott of its goods and services and divestment of Israeli companies;

WHEREAS, the BDS is a damaging and discriminatory policy being perpetrated by a mounting number of entities; and the BDS movement is nothing more than thinly veiled anti-Semitism, designed to cause economic and reputational harm to Israel, an important ally of the United States; and

WHEREAS, companies that engage in BDS activities or other discriminatory policies may prevent the procurement of goods or services of the best quality and at the most competitive prices; now, therefore

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

Section 1. Chapter VII of the Nassau County Administrative Code is amended by adding a new section 7-5.0 to read as follows:

§7-5.0 Boycott Divest Sanctions Activities Prohibited.

a. Definitions.

“BDS Activities” shall mean any action politically motivated and intended to penalize or otherwise limit commercial relations with Israeli owned or controlled businesses.

"Boycott" shall mean to engage in any activity or to actively promote or encourage others to withdraw from commercial relations with Israeli owned or controlled businesses as a punishment or protest.

“Business” shall mean any natural person, corporation, Limited Liability Company, unincorporated association or any other non-government entity.

b. Boycott Divestment Sanctions Activities and County Contracts

- i. No Business having entered into a contract with Nassau County shall participate in any Boycott or BDS Activities as defined by this Local Law.
- ii. Any Business participating or which, in the past, has participated in any Boycott or BDS Activities, as defined by this Local Law, shall disclose such Boycott or BDS Activities prior to entering into any contract with the County.
- iii. Any Business that is a party to a contract with the County shall disclose its participation or past participation to the County in any Boycott or BDS Activities as defined by this Local Law.
- iv. Any Business seeking to enter into a contract with Nassau County that participates in any Boycott or BDS Activities as defined by this Local Law shall be deemed a nonresponsive bidder.
- v. Any contract that Nassau County has entered into with any Business that is found to participate or to have participated in any Boycott or BDS Activities as defined by this Local Law shall be subject to rescission by Nassau County.

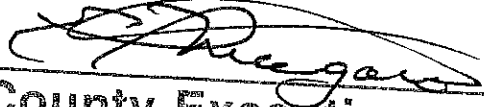
- vi. Any Business that participates in any Boycott or BDS Activities that result in an increase in the costs of any Nassau County contract shall be liable for such costs, recoverable by Nassau County in a civil action.
- vii. Any subcontractor that is excluded from participating in any County contract due to the Boycott or BDS Activities of a Business that has a contract with Nassau County shall be entitled to recover, in a civil action against such Business, the value of any costs, expenses or the monetary value of the lost opportunity due to the Boycott or BDS Activities of such Business.

§2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§3 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.

§4 This local law shall take effect immediately.

APPROVED



County Executive

DATE May 26, 2016
