

Bill No. 4216-08

No. 39-08-RE

RESOLUTION

A Resolution of the County Council of Allegheny County in the Commonwealth of Pennsylvania, authorizing the Nursing Home Intergovernmental Transfer Program pursuant to the Commonwealth Agreement and the Cooperation Agreement; and granting authorization for any and all lawful actions necessary to effectuate Allegheny County's participation in said program.

Whereas, certain corporations in the Commonwealth (both for profit and not-for-profit) and certain counties in the Commonwealth are Long-Term Care Nursing Facility Providers; and

Whereas, the monies that these Long-Term Care Nursing Facility Providers receive as reimbursement for the services provided to Medical Assistance ("MA") program beneficiaries come partly from the Commonwealth and partly from the Federal Government; and

Whereas, Allegheny County owns and operates nursing facilities providing long-term care to the citizens of Allegheny County; and

Whereas, Allegheny County receives payments from both the Commonwealth and the Federal Government to provide these services; and

Whereas, the County Commissioners Association of Pennsylvania ("CCAP") has entered into an agreement with the Commonwealth and certain amendments to such agreement (the "Commonwealth Agreement") based on the execution and delivery of a Cooperation Agreement executed by CCAP and certain counties in Pennsylvania, enumerated in Exhibit "C" of the Commonwealth Agreement (the "Cooperation Agreement"), in order to (1) facilitate the prompt payment of MA payments by the Commonwealth to the Long-Term Care Nursing Facility Providers and (2) enhance payments to the Long-Term Care Nursing Facility Providers and generally improve the performance of the MA Program; and

Whereas, the Commonwealth Agreement contemplates that Allegheny County will make certain intergovernmental transfers to the Commonwealth for FY 2008-2009 (the "Intergovernmental Transfers").

The Council of the County of Allegheny hereby resolves as follows:

Section 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Resolution are incorporated by reference in their entity herein.

Section 2. Authorization to Participate in Program.

Allegheny County ("County") is hereby authorized to participate in the Nursing Home Intergovernmental Transfer program as described and set forth in the Cooperation Agreement and the Commonwealth Agreement and in furtherance thereof, the Chief Executive and other appropriate officers of the County are authorized to take any and all lawful actions necessary to effectuate the County's participation in the program including:

1. The provision of County funds in such amounts as may be necessary from time to time to fund the County's percentage share of Intergovernmental Transfers, including, without limitation, through the incurring of tax and revenue anticipation indebtedness ("TRAN") and the pledging of the County's full faith, credit and taxing power to secure such borrowings, and the proper officers of the County are authorized to execute such documents, instruments and agreement necessary to implement the foregoing.

2. The execution of such documents as are necessary to establish accounts at the banks or other financial institutions designated by CCAP as the transaction banks for the Intergovernmental Transfer undertakings described in the Commonwealth Agreement and the Cooperation Agreement, which bank accounts shall be used solely and exclusively in connection with the Intergovernmental Transfer undertakings. The County shall pay such banks or other financial institutions their normal, customary and prevailing rates for all services (including, by way of example, wire transfer charges) provided in performance of their duties as the transaction bank in connection with any Intergovernmental Transfer.

3. The execution of such letters of instruction to the lender and transaction banks as may be necessary to effect the Intergovernmental Transfers, including, without limitation, those in the form set forth in Exhibits to the Commonwealth Agreement.

4. Upon payment of the Disproportionate Share Payment from the Pennsylvania Department of Public Welfare and receipt thereof in the County's Signatory County Account, the taking of all actions necessary to assure that any indebtedness outstanding under any TRAN borrowing is repaid to the lender bank and the County's percentage share of program implementation costs is transferred to the CCAP Clearing Account, as set forth in Article V of the Commonwealth Agreement.

Section 3. Authorization To Take All Necessary Action.

Be it further resolved, that the Chief Executive, the County Council Clerk, the County Solicitor, and other appropriate staff of the County are hereby authorized to take all necessary and incidental actions needed to carry out the actions set forth in this Resolution, the Cooperation Agreement, and the Commonwealth Agreement;

Section 4. Effective Date of Resolution.

Be it further resolved, that this Resolution shall take effect immediately upon its approval by the Chief Executive.

Section 5 Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

Section 6. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

Enacted in Council, this 9th day of September 2008.

Council Agenda No. 4216-08

Rich Fitzgerald

Rich Fitzgerald
President of Council

Attest: *John Mascio*
John Mascio
Chief Clerk of Council

Chief Executive Office *September 16, 2008*

Approved: *Dan Onorato*
Dan Onorato
Chief Executive

Attest: *Donna Beltz*
Donna Beltz
Executive Secretary

Kane IGT 2008-09 Authorizing Resolution

Summary

This Resolution authorizes Allegheny County to participate in the Nursing Home Intergovernmental Transfer Program for the 2008-2009 fiscal year. The County has participated in this program for several years and this extends our participation for one additional year. This is a cooperative program with the state Department of Public Welfare and other Counties which operate nursing facilities. This program generates extra Federal funding for both county and non-public nursing homes in Pennsylvania, including the Kane Regional Centers.

M E M O R A N D U M

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.
County Manager

08 AUG 14 AM10:14

DATE: August 14, 2008

RE: Proposed Resolution

Attached is a Resolution of the County Council of Allegheny County in the Commonwealth of Pennsylvania, authorizing the Nursing Home Intergovernmental Transfer Program pursuant to the Commonwealth Agreement and the Cooperation Agreement; and granting authorization for any and all lawful actions necessary to effectuate Allegheny County's participation in said program.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.