

NORTHAMPTON COUNTY COUNCIL – EASTON, PA

Ordinance No. 740 SESSION 2022 Bill No. 834

Introduced by John P. Goffredo and Thomas A. Giovanni on November 17, 2022

Enacted January 5, 2023 Effective February 4, 2023

Title: AN ORDINANCE REGARDING AN EMPLOYEE HEALTH CENTER
 FUNDED BY SPENDING FROM THE 2023 PROPOSED AND ADOPTED
 BUDGET

WHEREAS, Northampton County Council has been advised by the Administration of Northampton County (Administration) of the intent to institute, operate, and maintain an Employee Health Center; and

WHEREAS, Northampton County Council has not been advised as to the start-up costs for this Employee Health Center, liability issues, operational costs, return on investment, and detailed projected cost savings to Northampton County, if any; and

WHEREAS, the Administration has advised that funding for this Employee Health Center is present within the 2023 proposed Fiscal Budget; and

WHEREAS, pursuant to the Northampton County Administrative Code (Code), Section 13.15 et al., any contract exceeding \$100,000.00 requires the review and approval of Northampton County Council, and no contract has been produced; and

WHEREAS, pursuant to the Code Section 13.07, competitive bidding is required, but was not entailed, nor have exceptions been stated in detail as required in Section 13.10, in the proposal forwarded by the Administration; and

WHEREAS, pursuant to the Code Section 13.14.c, the purchase and/or leasing of any real estate for any Employee

Health Center requires review and approval by Northampton County Council, which has not been forthcoming; and

WHEREAS, Northampton County Council requires that a full and complete review be had for any Employee Health Center, including, but not limited to, full disclosure as to all costs and expenses, staffing, compensation, operational costs, liability, and the County's return on investment; and

WHEREAS, the Administration has advised County Council that the Employee Health Center has been overwhelmingly approved following a survey of Northampton County Employees. The survey contacted less than 25% of the County's workforce, did not include details and circumstances as to its operation and effect upon County employees, and did not set forth the terms and conditions of its use or operation. County Council requests that a full and complete survey with regard to the detailed data be made of Northampton County Employees as to this Employee Health Center, including but not limited to location and hours; and

WHEREAS, Northampton County Council requests that a Request for Proposal be issued by Northampton County for any Employee Health Center; and

WHEREAS, Northampton County Council requires that there be a full, complete, and transparent disclosure of all facts and circumstances of any Employee Health Center; and

WHEREAS, Northampton County Council has been advised that other Counties within the Commonwealth of Pennsylvania, prior to the establishment of an Employee Health Center, have done so only after competitive bidding.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by Northampton County Council as follows:

1. The Employee Health Center shall only be considered after a Request for Proposal pursuant to the Code Section 13.07 is issued.

2. The Employee Health Center shall only be considered after a full and complete survey of County employees as stated above.

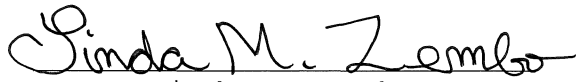
3. All Departments and Employees of Northampton County shall comply with the terms of this Ordinance.

4. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

5. The Administration is prohibited from transferring any monies from the 2023 Fiscal Budget of Northampton County for an Employee Health Center prior to review and approval by Northampton County Council.

This ordinance was advertised on the 23rd day of November, 2022, and was adopted by the Northampton County Council on the 1st day of December, 2022.

ATTEST:


Linda M. Zembo
Clerk to Council

Lori Vargo Heffner
Lori Vargo Heffner
County Council President

Lamont G. McClure
County Executive

RETURN OF VETOED ORDINANCE

WHEREAS, on December 1, 2022, the Northampton County Council adopted Ordinance No. XXX-2022, Bill No. 834 entitled “AN ORDINANCE REGARDING AN EMPLOYEE HEALTH CENTER FUNDED BY SPENDING FROM THE 2023 PROPOSED AND ADOPTED BUDGET” and

WHEREAS, Article 602 subsection (g)(2) of the Northampton County Home Rule Charter, authorizes and empowers the County Executive to veto any ordinance within ten (10) days of its adoption by Northampton County Council; and

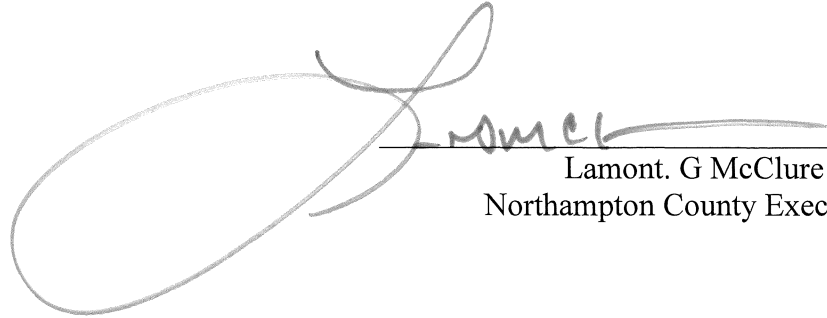
WHEREAS, this Ordinance is being returned to the Commissioners of the County Council by veto. The veto has been issued for the following reasons:

1. The idea and concept of an Employee Health Center was presented to Council on August 17, 2022 at the Finance Committee meeting.
2. Integrity Health operates several health centers in New Jersey and recently expanded into Lycoming County, Pennsylvania.
3. Council was provided with additional details and answers to all their questions shortly after their meeting on August 17, 2022.
4. On October 19, 2022, Council was able to further question and vet Integrity Health Care about their services and their proven model.
5. There are funds in the budget designated to cover the costs of Employee Healthcare for 2023. While this ‘trust fund’ is for those costs, we believe that the expenses and cost savings can be covered by the money we have requested in the 2023 Budget.
6. After the October 19, 2022 Finance Committee meeting a resolution was presented to County Council to allow the County to pursue the Employee Health Center in concept and then present a contract to Council for approval once all the details were resolved.
7. Council does have the power to approve, and we would seek Council’s approval for any contract with Integrity Healthcare, but Council was asked to consider the concept of the center via resolution at their October 20, 2022 General Meeting and did not present the resolution as an agenda item.
8. Competitive bidding is not “required” by Administrative Code Section 13.07; rather, Section 13.07 states that procurement of County goods and services over \$25,000 shall be made by one of the five methods outlined under Section 13.07(a): competitive sealed bidding, competitive negotiations, noncompetitive negotiations, emergency procurements, and cooperative purchasing.

9. Section 13.10 vests the County Executive or his designee with the authority to determine whether Noncompetitive Negotiation is required and that prior to the award of the contract an Executive Order is issued stating the reason for using Noncompetitive Negotiation.
10. Integrity offers a unique concept for an exclusive employee health center which we presented to Council and the public on at least three occasions.
11. While there are two major health networks in the Lehigh Valley which may provide similar services, County Administration wanted to avoid branding that might prevent or dissuade employees from using the health center.
12. The County Administration and entities associated with the County approves bonds and financial instruments for those local hospital networks and it was easiest to avoid favoritism by going with an entity that is stand alone and provides a la carte services unique to our employees.
13. Leases and negotiations are exclusively the prevue of the County Executive with Council approval pursuant to the Home Rule Charter.
14. At each meeting the Administration has been clear that they did not want to talk about the location in public to protect the County's negotiating position (therefore protecting taxpayer money). Council can ask the Administration individually or in an executive session for those details, but have not done so yet to date.
15. We will get whatever appraisals and disclose lease details when we are ready for Council to vote and a deal is negotiated as is done with MDJ leases and others the County engages in every year. A lease will be ready for presentation to the Finance Committee for the first meeting in the New Year.
16. This full and complete review was done on August 17, October 5 and October 19th of this year and during interim calls between Commissioners and Integrity to answer questions individual Commissioners might have. Calls to Commissioners by Integrity have, in some cases, been ignored.
17. Employees cannot be forced to answer a survey. Twenty-five percent on any survey is a very good sample of the Northampton County workforce. Council has been asking employees what they need; Council can clearly ask employees if a free convenient alternative to health care was provided to them, would employees use it?
18. Council cannot compel a service to be procured or determine the manner a service is to be procured. Council's powers in the Home Rule Charter and Administrative Code are clear. Administration Code Section 13.03 states that "procurement authority and responsibility resides with the County Executive, subject to approval by County Council as required." The Executive proposes and Council can approve or disapprove of the proposal. This section of the ordinance violates the separation of powers inherent in the Home Rule Charter.

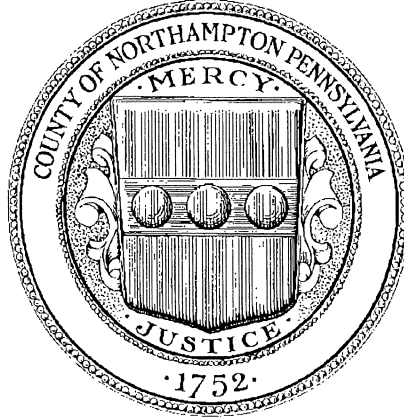
NOW THEREFORE, by the powers vested in the County Executive under Sections 303(3) and 602(g)(2) of the Northampton County Home Rule Charter, the County Executive disapproves of and vetoes Ordinance No. XXX-2022, Bill No. 834, and returns said ordinance to the County Council.

THE FOREGOING, done this 9th day of December, 2022, at the City of Easton, County of Northampton, witness my signature affixed hereto.



Lamont. G McClure
Northampton County Executive

THE COUNTY OF NORTHAMPTON



RESOLUTION

Number 1-2023

WHEREAS, at the meeting held December 1, 2022, the Northampton County Council duly adopted the ordinance titled, "AN ORDINANCE REGARDING AN EMPLOYEE HEALTH CENTER FUNDED BY SPENDING FROM THE 2023 PROPOSED AND ADOPTED BUDGET"; and

WHEREAS, the duly adopted ordinance was presented to the County Executive on December 2, 2022; and

WHEREAS, on December 9, 2022, the County Executive vetoed the ordinance (a copy of the veto message is attached) and returned it to County Council.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the County Executive's veto of the ordinance titled, "AN ORDINANCE REGARDING AN EMPLOYEE HEALTH CENTER FUNDED BY SPENDING FROM THE 2023 PROPOSED AND ADOPTED BUDGET" shall be overridden this 5th day of January, 2023.

ATTEST:

INTRODUCED BY:

Linda M. Zembo

Linda M. Zembo
Clerk to Council

John P. Goffredo

The above resolution was adopted by the Northampton County Council at the meeting held January 5, 2023.

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