

Exercising Ulster County's Termination Rights Under Article 30 Of A Contract Between The County Of Ulster And Samadhi Center, Inc.

Referred to: The Health, Human Services and Housing Committee (Chairman Uchitelle and Legislators Collins, Corcoran, Harmon, Kitchen, Lopez, and McCollough), and The Ways and Means Committee (Chairman Gavaris and Legislators Collins, Hansut, Kovacs, Nolan, and Roberts)

Minority Leader Kevin A. Roberts offers the following:

WHEREAS, on March 15, 2018, the County brought a civil lawsuit in Ulster County Supreme Court (Index No. 18-903) alleging that deceptive marketing practices of prescription opioid manufacturers and distributors contributed to the opioid epidemic; and

WHEREAS, the County's lawsuit was thereafter transferred to Suffolk County Supreme Court (Index No. 400000/2017) along with similar lawsuits brought by other counties in the State of New York (the "New York Action"); and

WHEREAS, the County was also made a part of the negotiation class in the National Prescription Opiate Litigation in the Northern District of Ohio (MDL No. 2804) (the "National Action"); and

WHEREAS, settlement agreements with certain defendants were reached in the New York Action and the National Action; and

WHEREAS, pursuant to Resolution No. 273 of May 16, 2023, the Ulster County Legislature approved the execution of a contract with Samadhi Center, Inc. to operate an outpatient and substance use disorder withdrawal and stabilization services program, partially or fully funded by settlement funds received by the County from the New York State and/or National Opiate litigation; and

WHEREAS, the said contract became effective January 1, 2023, with an initial term through December 31, 2023; and

WHEREAS, a letter signed by the Ulster County Director of Purchasing dated May 25, 2023 and countersigned by Samadhi Center, Inc. on June 1, 2023 purportedly extended the term of the said contract through December 31, 2024; and

WHEREAS, Article 30 of the said contract provides that the County of Ulster may, inter alia, at any time, in whole or in part, for the convenience of the County, terminate the said contract by written notice, effective upon mailing; and

Resolution No. 263 June 18, 2024

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A Contract Between The County Of Ulster And Samadhi Center, Inc.**

WHEREAS, the Ulster County Legislature hereby finds and determines that it is appropriate and in the best interests of the County and its citizens to immediately terminate the said contract, to the extent the same has been extended through December 31, 2024 by the abovementioned letter of the Director of Purchasing or otherwise; and

WHEREAS, the Ulster County Legislature, pursuant to Ulster County Charter §C-11, is the legislative, appropriating and policy-determining body of the County; and

WHEREAS, pursuant to § C-74(B)(4) of the Ulster County Charter, the Ulster County Purchasing Director shall perform such other and related duties as shall be required and delegated by the County Executive or County Legislature; now, therefore, be it

RESOLVED, that the Director of Purchasing shall, immediately following the adoption of this Resolution, send a termination notice pursuant to Article 30 of the said contract in a form approved by the County Attorney and Legislative Counsel on behalf of Ulster County,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 7 NOES: 14
(Ayes: Legislators Corcoran, Hansut, Levine, Litts,
Lopez, Maloney, and Walls)
(1 Abstention: Legislator Nolan)
(Absent: Legislator Kitchen)

Defeated in Committee: Health, Human Services and Housing on June 6, 2024

Petition to Discharge successfully executed

FINANCIAL IMPACT:
TBD UNEXPENDED 2024 BUDGETED APPROPRIATIONS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution DEFEATED by the Ulster County Legislature on the 18th Day of June in the year Two Thousand Twenty-Four, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of June in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature