

**RESOLUTION NO. RS2020 - 613**

**A resolution appropriating \$5,000,000 from the COVID-19 Pandemic Fund No. 30009 and \$1,500,000 from the General Fund Reserve Fund (4% Fund) for the continued operation of and repairs/equipment for the Bordeaux Long Term Care Facility, and requesting the Metropolitan Purchasing Agent to negotiate an emergency contract for the operation of the Facility from and after January 1, 2021.**

WHEREAS, pursuant to Ordinance No. BL2016-422, Metro agreed to extend the lease of the real property and operations (the "Revised Lease") of the Bordeaux Long Term Care facility ("the Facility") located at 1414 County Hospital Road to LP North Nashville, LLC, which is a subsidiary of Signature Healthcare, LLC ("Signature"); and

WHEREAS, the Revised Lease provided for a reimbursement of losses incurred by Signature of up to \$3,500,000 per fiscal year; and

WHEREAS, although the Revised Lease was set to expire on June 30, 2020, Metro entered into an emergency six month extension to allow time for a request for proposals (the "RFP") to be issued for the operation of the Facility; and

WHEREAS, the time period for the RFP responses ended and Metro received no responses; and

WHEREAS, Metro notified Signature on September 22, 2020 of its election to have Signature discontinue all operations and start winding down the Facility's resident care operations, in compliance with all applicable laws and regulations; and

WHEREAS, the Facility provides long term care for some of Nashville's most vulnerable residents, including many who do not have the financial means to obtain needed care through a private facility; and

WHEREAS, the Facility has incurred additional expenses and suffered additional financial losses as a result of the COVID-19 pandemic; and

WHEREAS, Resolution No. RS2020-318, as amended, approved and accepted a local government Coronavirus relief fund grant by and between the U.S. Department of the Treasury to The Metropolitan Government of Nashville and Davidson County ("Metro"), acting by and through the Metropolitan Nashville Finance Department, in an amount not to exceed \$121,122,775.00, to respond to the public health emergency caused by the Coronavirus pandemic; and

WHEREAS, Resolution No. RS2020-318, as amended, requires approval by resolution of a plan for disbursement of Coronavirus Relief Fund ("CRF") grant funds; and

WHEREAS, the Metropolitan Council has determined that the appropriation of \$5,000,000 of the CRF grant funds for the continued operation of the Facility is necessary in order to respond to the public health emergency caused by the COVID-19 Coronavirus pandemic; and

WHEREAS, it is in the best interest of the citizens of Nashville and Davidson County to approve the appropriations provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. There is hereby appropriated the sum of \$5,000,000 from the COVID-19 Pandemic Fund No. 30009 to fund the continued operation of the Facility.

Section 2. The appropriation listed in Section 1 is hereby designated as part of the plan for disbursement of CRF grant funds required by Resolution No. RS2020-318.

Section 3. There is hereby appropriated the sum of \$1,500,000 from the General Fund Reserve Fund for building repairs and equipment at the Facility.

Section 4. The Metropolitan Purchasing Agent is hereby requested to negotiate an emergency contract for the operation of the Facility from and after January 1, 2021.

Section 5. The Metropolitan Clerk is directed to send a copy of this Resolution to the Purchasing Agent and the Director of Finance.

Section 6. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO  
AVAILABILITY OF FUNDS:

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Kevin Crumbo  
Director of Finance

INTRODUCED BY:



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Jonathan Hall  
Member of Council

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**



To: Jon Cooper, Director and Special Counsel  
Metropolitan Council Office

From: Kevin Crumbo, Director of Finance

Date: October 23, 2020

Re: Resolution Regarding Bordeaux Long Term Care Facility

I am writing about the availability of funds for a resolution presented to Finance.

The heading of the resolution reads:

**“A resolution appropriating \$5,000,000 from the COVID-19 Pandemic Fund No. 30009 and \$1,500,000 from the General Fund Reserve Fund (4% Fund) for the continued operation of and repairs/equipment for the Bordeaux Long Term Care Facility, and requesting the Metropolitan Purchasing Agent to negotiate an emergency contract for the operation of the Facility from and after January 1, 2021. “**

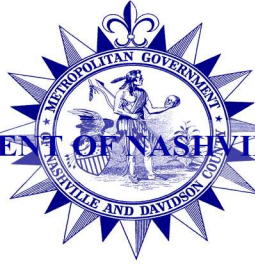
There appear to be three components of this resolution for Finance to address:

1. Covid-19 Pandemic Fund. I cannot confirm availability of funds from the CRF due to the expiration of those funds at the end of December 2020, per the guidance of the US Department of Treasury. The guidance states that funds must be expended, not just allocated, by the end of December 2020. Additional review of the eligibility of such funds will be necessary if there is an extension of that expiration date. However, until that date is extended, if ever, additional eligibility review criteria for operations of a long-term care facility is not known at this time. For this reason alone, I cannot confirm the availability of funds for this resolution.
2. 4% Fund. I cannot confirm availability from the 4% fund until the request can be structured in compliance with the Metro Code’s requirements for appropriations from this fund. If you can direct Finance to where we can find further information supporting the request for equipment and repairs (*e.g.*, identification of the specific equipment and repairs needed, costs, life expectancy, *etc.*), that will enable us to determine eligibility. Importantly, all reserve fund allocations must meet the criteria outlined in the recent spending reductions memo, dated September 24, 2020, that was shared with the Council.

JOHN COOPER  
MAYOR

DIRECTOR OF FINANCE  
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**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**



3. Request for Emergency Contract: I received your correspondence earlier today indicating Councilman Hall is bringing about other legislation on this matter. You also indicated that your office hasn't had the opportunity to fully evaluate it and determine if it will be in addition to or in lieu of this resolution. Since funds are not readily available for this resolution and there is uncertainty about other legislation on the horizon, the request for an emergency contract should be addressed when the other legislation is finalized.

Please let me know of any questions or any additional information you may need.