

AGENDA

**NASSAU COUNTY INTERIM FINANCE AUTHORITY
FRIDAY, MAY 2, 2014, 4:00 PM
MARRIOTT LONG ISLAND HOTEL & CONFERENCE CENTER
101 JAMES DOOLITTLE BLVD., UNIONDALE, NY 11553**

Call to Order

Action Items

- I. Approval of the Minutes of March 10, 2014 Meeting
- II. Consideration of County Contract for E & A Restoration
- III. Consideration of County Contract for MPCC Corporation
- IV. Consideration of County Contract for R.J. Industries
- V. Consideration of County Contract for BSRJ
- VI. Consideration of County Contract for John P. Picone, Inc.
- VII. Consideration of County Contract for Grace Industries
- VIII. Consideration of Contracts from the County Attorney's Office
- IX. Authorization to Appoint a Law Firm and to Take Related Actions
- X. Consideration of Issuance of Notes by Nassau County
- XI. Consideration of Approval of Issuance of Revenue Anticipation Notes by Nassau County
- XII. Consideration of County Wage Freeze

Adjournment

DRAFT – SUBJECT TO REVIEW AND REVISION

NASSAU COUNTY INTERIM FINANCE AUTHORITY
MINUTES OF THE MEETING OF THE DIRECTORS
HELD ON MARCH 10, 2014

Pursuant to notice dated March 4, 2014, a meeting of the Nassau County Interim Finance Authority (“NIFA”) was convened at 6:30 PM at the Marriott Long Island Hotel & Conference Center located at 101 James Doolittle Blvd, Uniondale, NY 11553.

The following Directors of the Authority were present:

Jon Kaiman, Chairman
Paul Annunziato
Paul Leventhal
Lester Petracca
Dermond Thomas
Christopher Wright

Also present from the Authority were Evan Cohen, Executive Director; Jeremy Wise, General Counsel; Maria Kwiatkowski, Deputy Director; Laurie Boucher, Corporate Secretary and Carl Dreyer, Treasurer.

Upon determining that a quorum was present, the Chairman called the meeting to order.

The Chairman stated that the first item on the agenda was a resolution to approve the minutes of the January 27, 2014 Directors’ meeting.

Upon motion duly made and seconded, the following resolution was approved with Director Leventhal abstaining:

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution No. 14-487

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE JANUARY 27, 2014 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on January 27, 2014 are hereby approved and all actions taken by the Directors present at such meeting, as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Authority.

* * *

Chairman Kaiman welcomed Director Leventhal back as a NIFA Director.

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of the retention and/or solicitation of a replacement for the 2008 D-1 and 2008 D-2 Remarketing Agent. He stated the firm that NIFA was using has been dissolved and this resolution would allow NIFA to continue using the principal of the dissolved firm, Bernard Beal, at his new firm.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-481

APPROVAL OF THE RETENTION AND/OR SOLICITATION OF A REPLACEMENT FOR THE 2008 D-1 AND 2008 D-2 BONDS REMARKETING AGENT

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (“NIFA”) and be it further

RESOLVED, that the Directors accept, endorse and approve the course of action and recommendations in the Materials concerning the retention and/or solicitation of a new remarketing agent for NIFA’s 2008 D-1 and 2008 D-2 Bonds, including but not limited to the hiring of outside

DRAFT – SUBJECT TO REVIEW AND REVISION

advisors or lawyers; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution requesting authorization to enter into a five-year liquidity agreement with TD Bank, which would replace JP Morgan Chase Bank in connection with NIFA’s 2008A Bonds and to take related action.

Upon motion duly made and seconded, the following resolution was approved with Director Wright abstaining:

Resolution No. 14-482

AUTHORIZATION TO ENTER INTO A LIQUIDITY FACILITY IN CONNECTION WITH NIFA’S 2008A BONDS AND TO TAKE RELATED ACTIONS

RESOLVED, that the materials presented to this meeting (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (“NIFA”); and be it further

RESOLVED, that in accordance with the Materials, the Chairman or his designee(s) is hereby authorized to negotiate and execute a five year liquidity facility with TD Bank in connection with NIFA’s 2008A Bonds substantially upon the terms and conditions discussed in the Materials; and be it further

RESOLVED, that in connection with the substitution of liquidity providers for the Series 2008A Bonds, the Chairman or his designee(s) is authorized to cause a mandatory tender of said Bonds, and to take such steps as are necessary for the reoffering of said Bonds by the Remarketing Agent, including the preparation and distribution of a reoffering circular with respect to such Bonds, in such form as he may deem reasonable and appropriate; and be it further

RESOLVED, that reasonable outside counsel fees and disbursements for the aforesaid liquidity facility provider is hereby approved, as well as fees and disbursements for NIFA’s outside counsel, Sidley Austin LLP, and its Financial Advisor, Lamont Financial Services, together with such other

DRAFT – SUBJECT TO REVIEW AND REVISION

expenditures as are deemed necessary or appropriate in connection with the completion of the aforesaid actions, be it further

RESOLVED, that all actions heretofore taken by the Chairman or his designee(s) in furtherance of the foregoing resolutions are hereby ratified and approved; and be it further

RESOLVED that the Chairman or his designee(s) are further authorized to take all actions deemed necessary or appropriate to implement the foregoing and related actions.

* * *

Deputy Director Maria Kwiatkowski stated that the next item on the agenda was a resolution to consider a contract between Nassau County and Hazen and Sawyer/Malcolm Pirnie. She stated that the amount of the contract amendment is approximately \$5,000,000. She stated that there is a potential for the funding to be reimbursed by FEMA.

Upon motion duly made and seconded, the following resolution was approved with Chairman Kaiman recusing:

Resolution No. 14-483

CONSIDERATION OF COUNTY CONTRACT FOR HAZEN AND SAWYER / MALCOLM PIRNIE

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the amendment of the County’s Contract for Hazen Sawyer / Malcolm Pirnie in the amount of \$5,000,740, bringing the total not to exceed amount to \$34,147,665; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not

DRAFT – SUBJECT TO REVIEW AND REVISION

guaranty that it will approve any future borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of contracts between the County Attorney's office and outside vendors. He stated that since the County Attorney's office has a history of submitting contracts late and/or commencing work on contracts prior to NIFA approval, the NIFA Directors had stated that they would like to review them.

Mr. Wise stated that the first contract was between the County and Albanese and Albanese. He stated that since this is Superstorm Sandy related the Chairman will need to recuse himself from the vote.

Upon motion duly made and seconded, the following resolution was approved with Chairman Kaiman recusing himself:

Resolution No. 14-484-A

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY'S OFFICE

RESOLVED, that the materials presented to this meeting of the Directors (the "Materials") are ordered to be filed with the records of the Nassau County Interim Finance Authority (the

DRAFT – SUBJECT TO REVIEW AND REVISION

“Authority”); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are not consistent with the County’s current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County's adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves the contract with Albanese and Albanese numbered CQPW14000002 in the Materials; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Mr. Wise stated that the next contract was between the County and Leventhal, Cursio, Mullaney & Sliney LLP. He stated that this was a contract to represent the County in a matter called Hoey vs. County of Nassau.

Upon motion duly made and seconded, the following resolution was approved with Director Leventhal recusing himself:

Resolution No. 14-484-B

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY’S OFFICE

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are not consistent with the County’s current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County’s adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves the contract with Leventhal, Cursio, Mullaney & Sliney LLP numbered CQPD14000001 in the Materials; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Mr. Wise stated that the final contract was between the County and Berkman, Henoch, Peterson, Peddy & Fenchel, PC. He stated that this was a contract to represent the County in a matter called Isley vs. County of Nassau.

Upon motion duly made and seconded, the following resolution was approved with Director Petracca recusing himself:

Resolution No. 14-484-C

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY’S OFFICE

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are not consistent with the County’s current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County's adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves the contract with Berkman, Henoch, Peterson, Peddy & Fenchel, PC numbered CQAT13000012 the Materials; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Chairman Kaiman stated that the next item on the agenda was the consideration of the County wage freeze. The Chairman then made the following statement:

“In 2011, the NIFA board issued a wage freeze order so as to prevent the County from devolving further into a condition of fiscal chaos. It’s believed that from 2011 to 2013, Nassau County saved \$230 million. In 2014, the County is still in dire financial straits, requiring NIFA to continue to impose restraint on Nassau’s financial expenditure. The wage freeze, while still necessary from a strict fiscal analysis, is creating havoc amongst the County workforce and its application in creating additional financial risks for the County. As we enter the fourth year of the

DRAFT – SUBJECT TO REVIEW AND REVISION

wage freeze, NIFA is taking measures to modify and/or lift the wage freeze, if certain conditions set forth in a pending resolution are met. In essence, Nassau County's efforts bring itself back to the point where it can meet its obligations can have had some effect on its financial picture, but not enough to allow us to lift the wage freeze outright. Accordingly through extensive negotiation, there appears to be a pathway to lifting the wage freeze, while achieving real, long-term savings. The County will be obligated to pay the cost of COLA and step increases over the next four years and the unions will provide contract concessions that amount to hundreds of millions of dollars of savings over the long term. Therefore, it is my intention to propose that the wage freeze be lifted upon the authorization of each collective bargaining agreement, with terms and conditions as set forth in the negotiation process. The answer to those terms are that COLAs and steps issue upon the agreement to this proposal with the understanding that COLAs for 2011, '12, and '13 are waived, COLAs will be awarded for 2014, '15, '16, and '17; steps will be awarded the month following the authorization of this agreement, again in September of this year, and each year afterwards. Each union may have small variations of this schedule pursuant to the negotiations with Nassau County. All new county employees, including police, will pay towards their pensions and contribute to towards their medical benefits. Additional concessions have been previously negotiated that form the basis of this agreement. It should be noted that the unions' litigation on the legality of the wage freeze is preserved, but they waive the right to litigate the accruals and compounding of wage increases lost or delayed. The one exception to the this is that if the wage freeze is found to be found unlawful in all respects during the period from 2011 to 2013, the unions may be awarded the 2011... the 2011 and 2012 cost of living adjustment and the year subsequent to the completion of

DRAFT – SUBJECT TO REVIEW AND REVISION

the wage-freeze litigation. Nassau County will agree to commit and pay for all costs associated with this agreement through the year 2017. NIFA will secure said dollars through its authority over the county sales tax revenue, which passes through NIFA as part of NIFA's charge to pay County debt service and NIFA administrative costs. Nassau County will also apply speed camera revenue, unbudgeted red-light camera revenue, and unbudgeted sales and mortgage recording tax revenue to cover said costs consistent with this agreement. I would like to thank the NIFA staff, including our outside counsel, for all the work that they have done to see this through. I would like to thank the NIFA board for engaging in this process as they all and we all have done, and the union and County leaders who have participated in these discussions these last five months. I would note that I have had conversations with the leadership of all of the unions involved in this process—certainly the PBA and the CSEA were very much at the forefront of these negotiations with the County—the others played a role as well and I know that negotiations continue. The hope is that all five of the major unions will come to an agreement or resolution with the contracts consistent with this, or with these resolutions that are before this board tonight and the result will be that the wage freeze is in fact lifted for all County employees.”

The Chairman stated that the following resolutions regarding the wage freeze must be voted on by the Directors. He stated that if agreements can be reached with the Unions, then the wage freeze can be lifted at a later time.

Upon motion duly made and seconded, the following resolution was approved with Director Thomas opposing:

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution No. 14-485

FINDING A WAGE FREEZE IS ESSENTIAL TO THE ADOPTION AND MAINTENANCE OF A FINANCIAL PLAN AND BUDGET FOR NASSAU COUNTY IN COMPLIANCE WITH GOVERNING LEGISLATION

WHEREAS, on March 24, 2011, March 22, 2012, and March 14, 2013, NIFA adopted resolutions imposing successive wage freezes of one year each on County employees; and

WHEREAS, during the Control Period, NIFA has approved three Multi-Year Financial Plans (for periods Fiscal 2012 – 2015, 2013 – 2016 and 2014 – 2017), each contemplating that substantial borrowing would be necessary to finance operating expenditures, including the cost of tax certiorari settlements and judgments, while transitioning to a balanced budget; and

WHEREAS, the County failed to meet conditions imposed by NIFA in its resolutions approving the Multi-Year Financial Plans for Fiscal 2012 – 2015 and Fiscal 2013 – 2016, and the County as yet has not met conditions imposed by NIFA in its resolutions approving the Financial Plan for Fiscal 2014 – 2017; and

WHEREAS, on October 9, 2013, the County Comptroller "[s]trongly urge[d] the Administration to return to annually paying at least \$50 million of property tax refunds with recurring revenues," with the \$50 million "amount approximat[ing] the annual running average payout for 2010 through 2012"; and

WHEREAS, the County nevertheless planned to address its tax certiorari liabilities in 2014 and subsequent years principally through local legislation eliminating the County Guaranty; and

WHEREAS, on November 25, 2013, NIFA adopted a report of its Staff that, even assuming continuation of the wage freeze and successful reduction of tax certiorari liabilities through the local legislation, projected County deficits in excess of \$100 million in 2014, \$140 million in 2015, \$160 million in 2016 and \$175 million in 2017; and

WHEREAS, on February 18, 2014, the New York Court of Appeals issued its decision in *Baldwin Union Free School Dist. v. County of Nassau*, which invalidated the local legislation, thereby continuing the County's sole responsibility for \$75 to \$100 million in annual operating expenses associated with tax certiorari settlements and judgments; and

WHEREAS, NIFA, having analyzed the expenditure and revenue components of the County's current outlook for FY 2014 through FY 2017, finds that the savings contributed by a wage freeze are a necessary component for the next 12 months and will be essential to setting the County on a path to fiscal balance as required by law; and

WHEREAS, during a control period, by law NIFA may in appropriate circumstances adopt a

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution finding that a wage freeze is essential to the adoption or maintenance of a County budget or a financial plan that is in compliance with the State legislation that established NIFA,

NOW, THEREFORE, BE IT RESOLVED, that NIFA hereby finds that a wage freeze as authorized by NIFA's governing legislation is essential to the County's adoption and maintenance of its FY 2014 Budget and Multi-Year Plan as well as compliance with State law.

* * *

Upon motion duly made and seconded, the following resolution was approved with

Directors Wright and Thomas opposing:

Resolution No. 14-485

DECLARING A CONTINUING FISCAL CRISIS IN NASSAU COUNTY AND ORDERING, WITH RESPECT TO EMPLOYEES OF THE COUNTY, THE SUSPENSION OF ALL INCREASES IN SALARY OR WAGES, AND THE SUSPENSION OF INCREASED PAYMENTS FOR HOLIDAY AND VACATION DIFFERENTIALS, SHIFT DIFFERENTIALS, SALARY ADJUSTMENTS ACCORDING TO PLAN, AND STEP-UPS AND INCREMENTS

WHEREAS, on March 24, 2011, March 22, 2012, and March 14, 2013, NIFA adopted resolutions declaring a fiscal crisis and imposing one-year wage freezes on Nassau County employees; and

WHEREAS, on this date, March 10, 2014, NIFA adopted resolution No. 14-485, which finds that a wage freeze, as authorized by NIFA's governing legislation, is essential to the County's adoption and maintenance of the County's adopted Budget and Multi-Year Financial Plan, and to compliance with such legislation; and

WHEREAS, by law NIFA, after enactment of Resolution No. 14-485, may declare a fiscal crisis and, upon making such declaration, shall be empowered to order a wage freeze for one year;

WHEREAS, NIFA and its Staff have analyzed the Multi-Year Financial Plan, Fiscal 2014-2017, adopted by the County Legislature, which was reluctantly approved by NIFA with conditions; and

WHEREAS, the wage freeze will provide substantial savings during the ensuing 12-month period; and

WHEREAS, even assuming such savings from a wage freeze, NIFA determines that the County will be significantly challenged to achieve statutory balance by FY 2015, let alone the end of the Multi-Year Financial Plan, and will require additional borrowing to meet ongoing operating expenses as it endeavors to transition to a GAAP balanced budget;

DRAFT – SUBJECT TO REVIEW AND REVISION

WHEREAS, over the course of several months, NIFA representatives have engaged in extensive, good faith discussions with leaders of the unions representing County employees and with leaders of the County government;

Whereas, NIFA representatives have participated in numerous meetings with union leaders and County leaders to help facilitate a resolution of the current wage freeze while recognizing NIFA's statutory obligations to address the current fiscal crisis and the imbalance in the County's current and projected revenues and expenditures; and

Whereas, considerable progress has been made toward convincing the NIFA Directors that they may be able to reach a reasoned decision to lift the wage freeze in a manner consistent with their statutory duties and the requirements of the governing NIFA statute;

WHEREAS, these discussions have explored, and NIFA has considered seriously, the impact of the wage freeze on County personnel and their families, the impact of the freeze on employee morale and future hiring, as well as the impact of lifting the freeze on the County's finances and fiscal credibility;

WHEREAS, these discussions have explored potential avenues for lifting the wage freeze, in a manner consistent with the fiscal stability of the County and the requirements of the NIFA Act, by the County generating new revenues and securing savings through new labor agreements;

WHEREAS, through these discussions, NIFA has identified conditions that, if faithfully implemented through County legislation and new labor agreements, would allow NIFA to terminate the wage freeze; and

WHEREAS, NIFA has consistently maintained, and hereby reiterates, its intention that the wage freeze apply fairly to all County personnel, including ordinance employees, and not solely to the unionized workforce;

WHEREAS, County sales tax revenue flows through NIFA for the purpose of paying debt service and NIFA administrative costs;

NOW, THEREFORE, BE IT RESOLVED, that NIFA hereby declares that the fiscal crisis in the County continues; and be it further

RESOLVED, that NIFA intends to lift the wage freeze promptly upon satisfaction of the following conditions:

1. The unions will complete negotiations with the County for new collective bargaining agreements, approved by the County Legislature and NIFA.
 - a. Negotiations between the PBA and the County, and between the CSEA and

DRAFT – SUBJECT TO REVIEW AND REVISION

the County, have created a framework for new agreements acceptable to NIFA.

b. The PBA model awards wage increases during the period of the agreement, provides for cost of living increases, and restores certain steps lost during the wage freeze.

c. The PBA model offsets these costs through a combination of new targeted County revenue sources (such as proposed new school zone speed cameras), savings through attrition, and labor concessions (e.g., new salary charts for new hires, health care and pension contributions and work rule changes).

2. The County must achieve the dollar figures from new revenue sources, in the amounts projected to NIFA, to offset the net cost (above labor concessions) of each new labor agreement.

a. Subject to applicable law and agreements with holders of obligations or other parties, the County shall commit to dedicate revenues from speed cameras, mortgage recording fees, sales tax, and other revenues received in excess of budgeted amounts to the extent necessary to fund any shortfall in the payment of additional costs attributable to labor agreements entered into in connection with termination of the wage freeze.

b. The County will authorize NIFA in writing to hold back sufficient sales tax revenue to guarantee compliance, if necessary.

3. The unions will preserve their legal claim that NIFA acted illegally by ordering the wage freeze in the period March 2011 through March 2014. The unions will waive legal claims that their members accrued increased wage levels (through steps, COLAs or any other increases) during the period March 2011 through March 2014. However, if the courts reach a final determination, after all appellate rights have been exhausted, that the wage freeze in the period March 2011 through March 2014 was illegally imposed for that entire period in all respects, then the County would pay to the union member the COLAs for 2011 and 2012 in the year subsequent to the conclusion of the litigation.

RESOLVED, that the wage freeze remains necessary pending satisfaction of the conditions referenced above; and be it further

RESOLVED, that NIFA hereby orders that all increases in salary or wages of employees of the County (including ordinance employees), which will take effect after the date of this order pursuant to collective bargaining agreements, other analogous contracts or interest arbitration awards, now in existence or hereafter entered into, requiring such salary increases as of any date thereafter are suspended for one year; and be it further

RESOLVED, that NIFA hereby orders that all increased payments for holiday and vacation differentials, shift differentials, salary adjustments according to plan, and step-ups and increments for employees of the County (including ordinance employees) which will take effect after the date of

DRAFT – SUBJECT TO REVIEW AND REVISION

this order pursuant to collective bargaining agreements, and other analogous contracts or interest arbitration awards requiring such increased payments as of any date thereafter are, in the same manner, suspended for one year.

* * *

Director Thomas stated that he opposed the resolutions because he feels that the County must find other ways to balance the budget rather than relying so heavily on the wage freeze.

Director Wright stated that he opposed the resolution because he believes the cost of lifting the wage freeze is closer to \$250 million and does not believe that the County has demonstrated its ability to pay for it. He also stated that the County has a lot of work to do to demonstrate its ability to pay but it is possible.

Director Wright then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 7:10 PM.

Respectfully submitted,

Laurie A. Boucher
Corporate Secretary

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: E & A Restoration, Inc.

REQUEST FOR: Consideration of County Contract for E & A Restoration, Inc.

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval Guidelines, as subsequently amended, (“Guidelines”), which include the Contract Approval Request Form. The Guidelines delineate the dollar thresholds and approval process of all County contracts that must be submitted to NIFA for approval.

On March 6, 2014, the County submitted a contract for E & A Restoration, Inc. to NIFA for approval. The vendor was selected through a County RFP process. This is a two year contract and the vendor has 540 days to complete the contract unless amended. The contract is valued at \$20,705,000.

Discussion:

The contract is for Phase III construction services at 1194 Prospect Avenue in Westbury, NY related to the relocation of the NC Forensics Laboratory and related functions. The construction services include the comprehensive fit up of vacant interior space to house the Forensics Laboratory, related ancillary functions and a parking lot expansion to accommodate the relocated staff. The County has previously spent approximately \$4 million in contracts with another vendor (Swanke Hayden Cornell Architects) to provide design and construction administration services related to this project.

Funding:

The County does not have the funds or an approved borrowing for this project (#14008) but will submit a request that will require approval of the NIFA Directors’.. The County does not anticipate any reimbursement for this project.

Requested Action:

You are requested to approve the County’s contract with E & A Restoration, Inc.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-487

APPROVAL OF COUNTY CONTRACT FOR E & A RESTORATION, INC.

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the County’s Contract with E&A Restoration, Inc., which is projected to cost \$20,705,000; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not guaranty that it will approve any borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Jon Kaiman
Chairperson

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: MPCC Corporation

REQUEST FOR: Consideration of County Contract for MPCC Corporation

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval Guidelines, as subsequently amended, which include the Contract Approval Request Form. The Guidelines delineate the dollar thresholds and approval process of all County contracts that must be submitted to NIFA for approval.

On March 10, 2014, the County submitted a contract for MPCC Corporation. to NIFA for approval. The term of the contract is 2 years and is valued at \$49,373,773 (the, "Contract"). The purpose of the contract is for Phase 1 construction at 101 County Seat Drive, Garden City, NY related to the relocation of the NC Family and Matrimonial Court. The construction services include the abatement of hazardous materials; demolition of the building exterior; removal of mechanical and electrical systems; structural modification of the building envelope; and, drain improvements.

Discussion:

On November 18, 2013, the Legislative Rules Committee by a vote of 7-0 approved the contract for the amount of \$49,373,773 for Services between the Nassau County Department of Public Works and MPCC Corporation. (collectively, the "Firm") to provide Phase 1 construction at 101 County Seat Drive, Garden City, NY related to the relocation of the Nassau County Family and Matrimonial Court. The construction services include the abatement of hazardous materials; demolition of the building exterior; removal of mechanical and electrical systems; structural modification of the building envelope; and, drain improvements.

Funding:

Capital Project #90632 and the associated funding has been approved by the County Legislature but will require a future borrowing that must be approved by the NIFA Board of Directors. The County anticipates that it will request approximately \$13 million for this project within its next

borrowing request and that this amount will fund work through December 2014; subsequently, borrowings will be submitted for review and approval to continue with project phases.

Requested Action:

You are requested to consider the County's Contract with MPCC Corporation.

Attachments:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-488

CONSIDERATION OF COUNTY CONTRACT FOR MPCC CORPORATION

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the amendment of the County’s Contract for MPCC Corporation in the amount of \$49,373,773; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not guaranty that it will approve any borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Jon Kaiman
Chairperson

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: R. J. Industries, Inc. Contract

REQUEST FOR: Consideration of County Contract for R. J. Industries, Inc.

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval Guidelines, as subsequently amended, which include the Contract Approval Request Form. The Guidelines delineate the dollar thresholds and approval process of all County contracts that must be submitted to NIFA for approval.

On October 7, 2013, the County submitted a contract with R. J. Industries, Inc. to NIFA for approval. The term of the contract was 24 months and was valued at \$24,767,700 (the, "Contract"). The County had indicated that of the contract amount, it had approximately \$1.5 million of cash-on-hand and the remainder would require a future borrowing. The purpose of the original contract was to provide upgrades to Odor Control facilities at both the Cedar Creek and Bay Park Sewage Treatment Plants. On October 9, 2013, the NIFA Directors approved the contract for the reduced amount of \$1.5 million and added that the action was "without prejudice" and the County could resubmit the contract as additional funds became available.

On March 12, 2014 the County resubmitted the contract in the amount of \$23,627,700, the original contract amount minus the \$1.5 million approved by the NIFA Board. The purpose and term of the contract remains the same as specified in the original.

Discussion:

On September 9, 2013, the Legislative Rules Committee by a vote of 7-0 approved the contract for the original amount of \$24,767,700 for Services between the Nassau County Department of Public Works and R. J. Industries, Inc. (collectively, the "Firm") to provide upgrades to Odor Control facilities at the Cedar Creek and Bay Park Sewage Treatment Plants. The capital project #35116 currently has \$7,813,116 of unencumbered cash in the project to pay the vendor. The remaining amount of the contract would require a future borrowing that must be approved by the NIFA Board of Directors.

Requested Action:

You are requested to consider the County's Contract with R. J. Industries, Inc.

Attachments:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-489

CONSIDERATION OF COUNTY CONTRACT FOR R. J. INDUSTRIES, INC.

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the amendment of the County’s Contract for R. J. Industries, Inc. in the amount of \$23,627,700; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not guaranty that it will approve any borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Jon Kaiman
Chairperson

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: BSRJ a Tri Venture Contract

REQUEST FOR: Consideration of County Contract for BSRJ a Tri Venture Contract

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval Guidelines, as subsequently amended, which include the Contract Approval Request Form. The Guidelines delineate the dollar thresholds and approval process of all County contracts that must be submitted to NIFA for approval.

On April 11, 2014, the County submitted a contract for BSRJ a Tri Venture. to NIFA for approval. The term of the contract is 670 calendar days and is valued at \$28,674,400 (the, "Contract"). The purpose of the contract is to provide labor and materials associated with construction improvements to the Electrical Distribution System at the Bay Park Sewage Treatment Plant ("STP"). The construction will replace three unite substations and construct new electrical duct banks wired for high and low voltage power lines and remove and de-energize old duct banks.

Discussion:

On March 24, 2014, the Legislative Rules Committee by a vote of 7-0 approved the contract for the amount of \$28,674,700 for Services between the Nassau County Department of Public Works and BSRJ a Tri Venture. (collectively, the "Firm") to provide the demolition of inferior structures to be replaced by the construction of a new electrical distribution system with improvements at the Bay Park STP.

Funding:

The County indicates that it has existing bond authorization that was needed by the EFC to front a short term loan from them to finance the project (funded under Capital Project #35123); therefore, additional bonding will not be needed. The County intends to have the short-term loan paid directly by FEMA but notes that the details of how the transaction will be undertaken are still under discussion.

Requested Action:

You are requested to consider the County's Contract with BSRJ a Tri Venture.

Attachments:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-490

CONSIDERATION OF COUNTY CONTRACT FOR BSRJ A TRI VENTURE

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the amendment of the County’s Contract for BSRJ a Tri Venture in the amount of \$28,674,700; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not guaranty that it will approve any borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Christopher P. Wright
NIFA Board Director

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: John P. Picone, Inc. Contract

REQUEST FOR: Consideration of County Contract for John P. Picone, Inc. Contract

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval Guidelines, as subsequently amended, which include the Contract Approval Request Form. The Guidelines delineate the dollar thresholds and approval process of all County contracts that must be submitted to NIFA for approval.

On April 11, 2014, the County submitted a contract for John P. Picone, Inc. to NIFA for approval. The term of the contract is 30 months and is valued at \$12,173,809 (the, "Contract"). The purpose of the contract is to provide labor and materials for the Influent Screening Facility at the Bay Park Sewage Treatment Plant (the "STP") and adjacent Park improvements.

Discussion:

On March 10, 2014, the Legislative Rules Committee by a vote of 7-0 approved the contract for the amount of \$12,173,809 for Services between the Nassau County Department of Public Works and John P. Picone, Inc. (collectively, the "Firm") to provide removal and replacement of 4 influent screens and ancillary equipment; a new odor control system to meet current standards; building modifications which include new skylights and a roofing system; and associated electrical instrumentation and controls.

Funding:

The County indicates that it this is a multi-year project with cash on-hand of approximately \$2.9 million to cover the first nine months of this contract and another that is forthcoming (for Grit Tanks at the Bay Park STP) and that a borrowing to fund remaining phases will be submitted to the County and NIFA for approval within future borrowings.

Requested Action:

You are requested to consider the County's Contract with John P. Picone, Inc.

Attachments:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-491

CONSIDERATION OF COUNTY CONTRACT FOR JOHN P. PICONE, INC.

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the amendment of the County’s Contract for John P. Picone, Inc. in the amount of \$12,173,809; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not guaranty that it will approve any borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Jon Kaiman
Chairperson

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Grace Industries, LLC Contract

REQUEST FOR: Consideration of County Contract for Grace Industries, LLC Contract

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval Guidelines, as subsequently amended, which include the Contract Approval Request Form. The Guidelines delineate the dollar thresholds and approval process of all County contracts that must be submitted to NIFA for approval.

On April 11, 2014, the County submitted a contract for Grace Industries, LLC. to NIFA for approval. The term of the contract is 730 calendar days and is valued at \$37,226,200 (the, "Contract"). The purpose of the contract is to provide labor and materials for the construction of a Perimeter Flood Protection Berm and Flood Wall at the Bay Park Sewage Treatment Plant (the "STP") and adjacent Park improvements.

Discussion:

On April 7, 2014, the Legislative Rules Committee by a vote of 7-0 approved the contract for the amount of \$37,226,200 for Services between the Nassau County Department of Public Works and Grace Industries, LLC. (collectively, the "Firm") to provide mitigation efforts determined to be necessary as a result of Superstorm Sandy necessitating facility improvements at the Bay Park STP.

Funding:

The County indicates that it has existing bond authorization that was needed by the EFC to front a short term loan from them to finance the project (funded under Capital Project #35123); therefore, additional bonding will not be needed. The County intends to have the short-term loan paid directly by FEMA but notes that the details of how the transaction will be undertaken are still under discussion.

Requested Action:

You are requested to consider the County's Contract with Grace Industries, LLC.

Attachments:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-492

CONSIDERATION OF COUNTY CONTRACT FOR GRACE INDUSTRIES, LLC

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the amendment of the County’s Contract for Grace Industries, LLC in the amount of \$37,226,200; and be it further

RESOLVED, that NIFA’s approval of the agreement is given with the caveat that NIFA does not guaranty that it will approve any borrowing for this project; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Christopher P. Wright
NIFA Board Director

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Contracts from County Attorney's Office

REQUEST FOR: Consideration of Contracts from the County Attorney's Office

Introduction:

Pursuant to Section 3669 2(d) of the Authority Act, NIFA may require the review of certain contracts during a control period. The Directors have determined that all contracts arising from the Nassau County Legal Department shall, for the foreseeable future, be voted upon by the Directors at a public meeting.

Discussion:

The County Legislature has approved the following contracts for legal services and the monies to pay the contracts have been encumbered. The descriptions of services are brief so as to avoid public dissemination of legal strategies; however, more detailed confidential descriptions are available and can be discussed in Executive Session.

Brief Summary:

Vendor	Contract #	Amount	Purpose
Crafa & Sofield, P.C.	CQAT14000013	\$25,000	New outside counsel contract to represent the County in litigation known as McCaffrey v. County of Nassau, 11-CV-1668.
Essey, LLC d/b/a The TemPositions Group of Companies	CLAT14000006	\$100,000	This vendor will provide to the County on an "as needed" basis temporary clerical staffing services. This amendment increases funding to the contract from \$857,000 to \$957,000 and extends the term.
Freeman, Nooter & Ginsberg	CQAT13000002	\$750,000	This is a new outside counsel contract to represent the County in the matter of Restivo et al. v. County of Nassau, et al. CV-06-6720

Robert J. Bishop	CQAT14000001	\$60,000	New contract for lobbying on behalf of the County before NYS Executive and Legislative branches of government.
Cecilia Ameranti-Byrne, Esq	CQAT14000007	\$25,000	This is an amendment to an outside counsel contract to extend the term, increase funding and amend the services specified in the original contract to include counsel on any NY State initiatives and provide counsel to the Assessment Review Commission (ARC). This amendment increases funding to the contract from \$20,000 to \$45,000.
Bee, Ready Fishbein Hatter & Donovan, LLP	CLAT14000011	\$800,000	Provide legal services with regard to labor and employment matters. This is an amendment to increase funding from \$1,375,000 to \$2,175,000 and extend the term until 12/31/14.
Leahey & Johnson PC	CLAT14000008	\$85,000	Provide legal services to the County in representing Nassau County in the appeal of the case County of Nassau v. MTA, LIRR & Metropolitan Suburban Bus Authority. This amendment increases the maximum amount from \$25,000 to \$110,000.

Requested Action:

You are requested to review and approve or disapprove entering into these contracts referenced in the prior discussion.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-493

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY'S OFFICE

RESOLVED, that the materials presented to this meeting of the Directors (the "Materials") are ordered to be filed with the records of the Nassau County Interim Finance Authority (the "Authority"); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are not consistent with the County's current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County's adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves contracts numbered XXX in the Materials and disapproves contract(s) numbered XXX for the foregoing reasons and because the Directors find that the expenditures required by these contract(s) are not consistent with the adopted financial plan; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Jon Kaiman
Chairperson

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Labor Counsel

REQUEST FOR: Authorization to Appoint a Law Firm and to Take Related Actions

Background

As you are aware, the Authority has been asked to review and approve proposed Memoranda of Agreement (collectively, the “Agreements”) with certain unionized County employees.

Because this review was necessary on an expedited basis and required specific expertise, it was suggested that outside attorneys with experience in labor law be retained.

Proposals

On Monday, March 24, 2014 a Review Committee (Messrs. Kaiman, Cohen and Wise) interviewed two potential law firms, both of which had Long Island offices. Although both firms were highly qualified, based on availability, experience, and fees, Bond Schoeneck & King (“BSK”) was the unanimous choice.

Bond Schoeneck & King

With more than 70 lawyers devoted to providing labor, employment law, employee benefits, and immigration services to management, BSK has one of the largest and most experienced Labor and Employment Law practices in the Northeast.

The Review Committee found their fees to be reasonable for practitioners with their experience. In addition, BSK is a member of The Minority Corporate Counsel Association, Inc. The MCCA was founded in 1997 to advance the hiring, retention, and promotion of diverse attorneys in legal departments and the law firms that serve them.

Requested Action

It is hereby requested that the Directors approve the retention of Bond Schoeneck & King as a legal consultant(s) to the Authority on the terms outlined in the materials and the resolution attached hereto.

Attachment

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-494

**AUTHORIZATION TO APPOINT A LAW FIRM TO PROVIDE ASSISTANCE TO
THE NASSAU COUNTY INTERIM FINANCE AUTHORITY**

RESOLVED, that the materials presented to this meeting (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “NIFA”); and be it further

RESOLVED, that based upon the Materials presented to this meeting, the Chairman or his designee(s) are hereby delegated the authority to hire Bond Schoeneck & King, the (“Firm”) to represent NIFA; and be it further

RESOLVED, that the Firm may be paid for emergency work and necessary disbursements, completed prior to the adoption of this resolution, which work was done with the understanding that their contract was subject to approval of the Directors; and be it further

RESOLVED, that the immediate utilization of the Firm is deemed to be an extraordinary circumstance which makes advertising impractical or inappropriate.

Jon Kaiman
Chairperson

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: County Bond Anticipation Notes

REQUEST FOR: Consideration of Issuance of Notes by Nassau County

Introduction:

The County wishes to continue its program of borrowing to assist in its Sandy recovery efforts. Similar borrowing requests have been approved by NIFA in the past.

Background:

On February 7, 2013 the NIFA Directors authorized the issuance of \$187,283,767 of Sandy-related borrowing as follows:

Capital and Sewer and Storm Water, Sandy related	\$185,283,767
Hazardous Waste, Sandy related	<u>2,500,000</u>
Total	\$187,783,767

The County issued \$185,510,000 of bond anticipation notes (2013 Series A BANs) under this authorization (see attached BANs Project List). The difference between the total project needs of \$187,783,767 and the principal amount of \$185,510,000 was due to premium on the BANs.

The County wanted to ensure that it had sufficient funds on hand to perform all immediate and critical work that was required in the aftermath of Superstorm Sandy, as the Department of Public Works was still performing evaluations and inspections of County-owned facilities and properties for months after the storm. These evaluations and inspections have been completed and the County is continuing to program the available funding into a timeline of when it will be spent, and how to ensure that the expenditures meet Federal reimbursement guidelines.

On November 25, 2013, the NIFA Board authorized the County to issue a new series of bond anticipation notes in the amount of \$122,794,994, the net proceeds of which were used to pay its 2013 Series A BANs at maturity on February 5, 2014. The County used \$62,715,336 of unspent 2013 Series A BANs proceeds (related to delayed projects) to pay the balance of such BANs, which amount would be reissued as needed in the future. On December 11, 2013, the County issued \$122,060,000 of its 2013 Series B BANs due July 1, 2014. Premium was used to fund the

difference between this amount and the authorized amount of \$122,794,994, and to pay costs of issuance.

The County is now seeking authorization to issue a new series of bond anticipation notes in the amount of \$115,288,006, the net proceeds of which will be used to pay its 2013 Series B BANs at maturity on July 1, 2014, and to re-borrow for certain of the previously-delayed projects originally included in the 2013 Series A BANs. At the same time, the County will use FEMA reimbursement and \$19,732,018 of unspent 2013 Series B BANs proceeds (related to currently-delayed projects) to pay the balance of the 2013 Series B BANs at maturity, which amount would be reissued as needed in the future.

2013 Series B BANs Principal Amount	\$122,060,000
FEMA Reimbursement	(626,777)
Currently-delayed Projects ⁽¹⁾	<u>(19,732,018)</u>
Rollover of 2013 Series B BANs	101,701,205
Re-borrowing of Previously-delayed Projects	<u>13,586,801</u>
New BANs	\$115,288,006

(1) To be reissued in the future as needed.

Discussion:

The reason for the County's request is found in section 3369 2(e) of the NIFA Act, which states that during a Control Period:

“The authority shall review the terms of each proposed long-term and short-term borrowing by the county and any covered organization to be effected during any control period, and no such borrowing shall be made during any control period unless it is approved by the authority.”

Requested Action:

You are requested to approve the County's proposed bond anticipation note borrowing, subject to proper documentation provided to staff and the terms and conditions outlined in these materials and the attached resolution.

Attachment:

Resolution
Attachment-BANs Project List

2013 Series B BAN Roll Over							
Project		2013A	2013A BANs	Delayed	2013B BANs	Delayed	2013A BANs
Number	Project Title	BANs ⁽¹⁾	In 2013B BANs	Projects From 2013A BANs	To be Rolled In 2014A BANs	Projects From 2013B BANs	To Be Reborrowed
41334	Nickerson Beach Improvements	\$1,000,000.00	\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	
41814	Various County Parks Fencing Repair	250,000.00	250,000.00	0.00	250,000.00	0.00	
41820	Various Parks Playgrounds Improvements	250,000.00	250,000.00	0.00	0.00	250,000.00	
41826	Various Parks Preserve Buildings Rehabilitation	500,000.00	500,000.00	0.00	3,496.98	496,503.02	
41829	Various Park Lighting	1,500,000.00	1,500,000.00	0.00	1,500,000.00	0.00	
41834	Various Parks Path/Roadways/Parking Resurface	1,000,000.00	1,000,000.00	0.00	699,494.00	300,506.00	
41844	Various Athletic Fields and Courts	1,000,000.00	1,000,000.00	0.00	906,295.00	93,705.00	
41858	Various Parks Pool Improvements	750,000.00	750,000.00	0.00	747,119.84	2,880.16	
41861	Various Park Buildings Infrastructure Upgrades	4,250,000.00	4,250,000.00	0.00	373,811.43	3,876,188.57	
41870	County Wide Beach Restoration and Mitigation	2,000,000.00	2,000,000.00	0.00	69,778.53	1,930,221.47	
41871	Countywide Docks and Bulkhead	1,000,000.00	1,000,000.00	0.00	1,000,000.00	0.00	
60050	Sheridan Boulevard Drainage Impovements	2,000,000.00	695,757.00	1,304,243.00	695,757.00	0.00	\$138,006.08
50680	Police Department Precinct and Auxillary Precincts Renovation and Modernization	2,000,000.00	429,354.00	1,570,646.00	429,354.00	0.00	
50686	Police Fleet Replacement	1,500,000.00	1,500,000.00	0.00	1,472,342.00	27,658.00	
50695	Police Department Fuel Management System	1,500,000.00	706,660.00	793,340.00	706,660.00	0.00	
50696	Local Municipality Interoperable Radio System	1,000,000.00	0.00	1,000,000.00	0.00	0.00	1,000,000.00
60042	Middle Neck Road Drainage Improvements	3,000,000.00	2,049,117.00	950,883.00	1,990,913.36	58,203.64	673,121.37
61587	Road Resurfacing	5,000,000.00	5,000,000.00	0.00	5,000,000.00	0.00	
6179A	West Shore Road, Mill Neck	8,000,000.00	8,000,000.00	0.00	8,000,000.00	0.00	
62017	Traffic Signal Construction & Modification - Phase VII	5,000,000.00	5,000,000.00	0.00	5,000,000.00	0.00	
62500	Traffic Studies	500,000.00	500,000.00	0.00	500,000.00	0.00	
63029	Bridge Rehabilitation Program	6,100,000.00	6,100,000.00	0.00	2,173,820.79	3,926,179.21	
63400	Civil Site Studies	1,000,000.00	1,000,000.00	0.00	850,037.00	149,963.00	
66016	Countywide Tree Management Program	1,000,000.00	1,000,000.00	0.00	1,000,000.00	0.00	
66050	Various County Curbs and Sidewalks Rehabilitation	2,000,000.00	2,000,000.00	0.00	1,072,000.00	928,000.00	
66302	Requirements Contract Roads/Drainage/Bridge/Joints	7,250,000.00	7,250,000.00	0.00	6,045,000.00	1,205,000.00	
81011	Hazardous Waste Response Fund	1,323,767.00	1,323,767.00	0.00	1,323,767.00	0.00	
90375	Emergency Work at Road Maintenance Garages	850,000.00	850,000.00	0.00	850,000.00	0.00	
90400	Various County Facilities - General Construction	5,000,000.00	5,000,000.00	0.00	2,923,500.00	2,076,500.00	
90401	Various County Facilities - Electrical Construction	1,750,000.00	1,750,000.00	0.00	1,750,000.00	0.00	
90402	Various County Facilities - HVAC Construction	1,500,000.00	1,500,000.00	0.00	881,384.38	618,615.62	
90403	Various County Facilities - Plumbing Construction	1,000,000.00	1,000,000.00	0.00	1,000,000.00	0.00	
90612	Various Generators - Buildings Upgrades	2,850,000.00	2,850,000.00	0.00	2,355,000.00	495,000.00	
90618	Various County Buildings Roof Reconstruction	1,000,000.00	1,000,000.00	0.00	614,050.78	385,949.22	
90622	Hempstead Garage Improvements	4,500,000.00	4,500,000.00	0.00	4,500,000.00	0.00	
90636	Warehouse and Staging Area	4,500,000.00	4,500,000.00	0.00	4,500,000.00	0.00	
97104	Disaster Recovery Plan	110,000.00	0.00	110,000.00	0.00	0.00	
97113	Departmental Technology Equipment Replacement	500,000.00	500,000.00	0.00	0.00	500,000.00	
97117	CAMDR	200,000.00	200,000.00	0.00	0.00	200,000.00	
97119	Network Infrastructure	2,000,000.00	2,000,000.00	0.00	461,043.28	1,538,956.72	
97135	VoIP	250,000.00	250,000.00	0.00	0.00	250,000.00	
97530	GeoBased Mapping and Information System	300,000.00	300,000.00	0.00	300,000.00	0.00	
98060	Road Maintenance Equipment Replacement	6,750,000.00	6,750,000.00	0.00	6,750,000.00	0.00	
98105	Fleet Management Life Cycle Vehicle Replacement	1,000,000.00	1,000,000.00	0.00	1,000,000.00	0.00	
98130	Countywide Trunked Radio System	1,000,000.00	0.00	1,000,000.00	0.00	0.00	1,000,000.00
98344	Public Works Lab Equipment	250,000.00	250,000.00	0.00	249,587.00	413.00	
82001	Drainage Stream Corridors Reconstruction	2,000,000.00	2,000,000.00	0.00	1,900,000.00	100,000.00	
82008	Rehabilitation of Storm Water Basins	2,000,000.00	2,000,000.00	0.00	2,000,000.00	0.00	
82009	Drainage Facilities Sidewalk Rehabilitation	500,000.00	500,000.00	0.00	200,000.00	300,000.00	
3P311	Pump Station Rehabilitation	22,800,000.00	6,813,776.00	15,986,224.00	6,792,200.00	21,576.00	
35120	Wastewater Facilities Hardening Study	1,000,000.00	1,000,000.00	0.00	1,000,000.00	0.00	
35121	Wastewater Facilities Storm Restoration	60,000,000.00	20,000,000.00	40,000,000.00	20,000,000.00	0.00	10,775,673.40
81011	Hazardous Waste	2,500,000.00	2,500,000.00	0.00	2,500,000.00	0.00	0.00
		\$187,783,767.00	\$125,068,431.00	\$62,715,336.00	\$105,336,412.37	\$19,732,018.63	\$13,586,800.85
(1) Par amount of \$185,510,000; project needs of \$187,783,767.							

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-495

APPROVAL OF ISSUANCE OF BOND ANTICIPATION NOTES BY NASSAU COUNTY

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are incorporated into this Resolution and are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussions in the Materials and pursuant to Section 3669 2(e) of the Authority Act, the Authority has reviewed the terms of the County’s proposed issuance of Bond Anticipation Notes Bonds and approves such issuance and/or expenditure in the amounts and upon the conditions outlined in the Materials; and be it further

RESOLVED, that any proceeds from the issuance of premium bonds shall be used for costs of issuance or to lower the amount of bond anticipation notes needed to complete the transactions outlined in the Materials; and be it

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Christopher Wright, Director

on Behalf of the NIFA Directors

May 2, 2014

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

May 2, 2014

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: County Revenue Anticipation Notes, Series 2014A and 2014B

REQUEST FOR: Consideration of Approval of Issuance of Revenue Anticipation Notes by Nassau County

Introduction

Nassau County has requested NIFA's approval of a proposed sale of two series of Revenue Anticipation Notes, Series 2014A and 2014 B (collectively, the "RANs"). The total amount of Notes would be up to \$200 million ("Authorized Amount"), but with the sale of premium notes, the proceeds are anticipated to be up to \$202,290,500.

The 2014A RANs will be in the amount of \$150 million, with anticipated premium of up to \$1,678,500 and will mature on March 31, 2015. The 2014 B RANs will be in the amount of \$50 million, with anticipated premium of up to \$612,000. The RANs will be secured by anticipated sales tax revenues.

Discussion

The reason for the County's request is found in section 3369 2(e) of the NIFA Act, which states that during a Control Period:

"The authority shall review the terms of each proposed long-term and short-term borrowing by the county and any covered organization to be effected during any control period, and no such borrowing shall be made during any control period unless it is approved by the authority."

The County typically does two cash flow borrowings each year – a Revenue Anticipation Notes issue in May / June and a Tax Anticipation Notes ("TAN") issue in November / December. The notes are issued to provide monies to meet cash flow deficits expected to occur during the period the notes are outstanding.

Although cash flow borrowings of any kind are not the sign of a robust financial position, they are commonly used by public entities. In this case, the County's rationale seems to be sound, and we will monitor this financing as it progresses.

Requested Action

Subject to the final review and approval of the Chairman or his designee(s), you are requested to approve the County's proposed cash flow borrowing, not to exceed the Authorized Amount.

We also recommend that any premium from the sale of the RANs be used for reasonable costs of issuance or applied toward the Authorized Amount.

Attachment
Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 14-496

CONSIDERATION OF APPROVAL OF ISSUANCE OF REVENUE ANTICIPATION NOTES BY NASSAU COUNTY

RESOLVED, that the materials presented to this meeting of the Board of Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(e) of the Authority Act, the Authority hereby approves the County’s Issuance of up to \$200 million of Revenue Anticipation Notes, Series 2014, upon the terms and conditions outlined in the Materials, and subject to the final review and approval of the Chairman of the Authority or his designee(s); and be it further

RESOLVED, that any premium from the sale of the RANs must be used for reasonable costs of issuance or applied toward the Authorized Amount, as defined in the Materials; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

Jon Kaiman
Chairperson

May 2, 2014

Sent Under
Separate Cover