

AGENDA

NASSAU COUNTY INTERIM FINANCE AUTHORITY

DIRECTOR'S MEETING

JULY 19, 2021

Call to Order

Action Items

- I. Approval of the Minutes of the Director's Meeting on May 26, 2021
- II. Consideration of County Contract for D.P. Civil Inc. *(NIFA # 133-21)*
- III. Consideration of County Contract for Eldor Contracting Corporation *(NIFA # 115-21)*
- IV. Consideration of County Contract for J. Anthony Enterprises, Inc. *(NIFA # 143-21)*
- V. Consideration of County Contract for Posillico Civil, Inc. *(NIFA # 132-21)*
- VI. Consideration of County Contract for Posillico Civil, Inc. *(NIFA # 137-21)*
- VII. Consideration of County Contract for Triumph Construction Corp. *(NIFA # 131-21)*
- VIII. Financial Plan from Nassau Health Care Corporation to Address Its Fiscal Problems
- IX. Approval of an MOU Regarding the Wearing of Body Cameras by Members of the Nassau County Police Benevolent Association

Adjournment

TAB I

NASSAU COUNTY INTERIM FINANCE AUTHORITY

MEETING OF THE DIRECTORS

MINUTES OF MAY 26, 2021

The Directors’ Meeting of the Nassau County Interim Finance Authority was convened on May 26, 2021 at 6:30 PM via public zoom audio and visual teleconference, pursuant to legal notice given on May 20, 2021 and electronic notice posted on the Authority’s website.

Directors: Adam Barsky, Chairman
Paul Annunziato
Mo Meghji
Lester Petracca
Christopher Wright

Absent: Howard Weitzman

Staff: Evan Cohen, Executive Director
Carl Dreyer, Treasurer
Kathleen Stella, Corporate Secretary
Jeremy Wise, General Counsel
Martha Worsham, Deputy Director

Call to Order/Roll Call

The meeting was called to order at 6:30PM.

1. Approval of the Minutes of the Director’s Meeting on April 29, 2021

Upon a motion made by Director Wright and seconded by Director Meghji, the Directors approved the minutes from the meeting on April 29, 2021.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 21- 878

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE APRIL 29, 2021 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on April 29, 2021 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.

2. Receipt and Acceptance of Audited Financial Statements and Related Actions

Director Wright pointed out that the Audit and Internal Controls Committee meeting took place just prior to this Directors meeting and that the Committee unanimously recommended that the full board accept the Audited Financial Statements based on the work of our auditors and our management team.

Upon a motion made by Director Wright and seconded by Director Meghji, the Directors approved the following resolution.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 21-879

RECEIPT AND ACCEPTANCE OF INDEPENDENT AUDITORS' REPORT ON THE AUTHORITY'S FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED DECEMBER 31, 2020

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 "Authority"); and be it further

RESOLVED, that the Authority acknowledges receipt of the RSM US LLP Independent Auditors' Report on NIFA's Financial Statements for the Year Ended December 31, 2020 (the "Audit") presented at the May 26, 2021 meeting of the Directors; and be it further

RESOLVED, that the Authority accepts the Audit and approves the release of the Audit to the public; and be it further

RESOLVED, that the Executive Director of the Authority or his designee(s) are hereby directed to promptly submit the Audit to those persons identified in the Authority Act to whom the Audit must be submitted, to make a reasonable number of copies available on request to all persons that request copies, and to take all actions he or she may in his or her sole discretion consider necessary to effectuate the foregoing and related actions including making changes to the Audit deemed non-material by RSM US LLP, NIFA's independent auditors; and be it further

RESOLVED, that this resolution shall take effect immediately.

3. Approval of Reports Required by the NIFA Act, Public Authorities Law, Public Authorities Accountability Act of 2005, and Public Authorities Reform Act of 2009, and Authorization to Take Related Actions

The Directors were requested to approve the 2020 Annual Reports which was presented to and

approved by the Audit and Internal Controls Committee just prior to the Directors’ meeting.

A motion was made by Director Wright and seconded by Director Annunziato, the Directors approved the following resolution.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 21-880

APPROVAL OF REPORTS REQUIRED BY THE NASSAU COUNTY INTERIM FINANCE AUTHORITY ACT, PUBLIC AUTHORITIES LAW, PUBLIC AUTHORITIES ACCOUNTABILITY ACT OF 2005, AND PUBLIC AUTHORITIES REFORM ACT OF 2009, AND AUTHORIZATION 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 (“Authority”); and be it further

RESOLVED, that in accordance with the Materials, the 2020 Annual Report of the Authority is hereby approved together with all the attachments thereto including, but not limited to:

1. Authority Report on Debt Issuance;
2. Audited Financial Statements for the Year Ended December 31, 2020 together with Independent Auditor’s Compliance Report on Investment Policies and Procedures;
3. Authority Report on Investments;
4. Authority Prompt Payment Report;
5. Authority Procurement Contracts Guidelines Report;
6. Authority Property Disposition Report;
7. Authority Mission Statement and Measurement Report; and
8. Authority Code of Ethics.

and be it further

RESOLVED, that the Chairman of the Authority or his designees(s) be, and each of them hereby is, authorized in the name and on behalf of the Authority to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider necessary or proper to effectuate the foregoing and related actions.

4. Re-adoption of Investment Guidelines, and the Taking of Related Actions

The Directors were requested to re-adopt the Investment Guidelines which were presented to and approved by the Audit and Internal Controls Committee just prior to this meeting.

On a motion made by Director Wight and seconded by Director Petracca, the Directors approved the following resolution.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 21-881

RE-ADOPTION OF INVESTMENT GUIDELINES AND THE TAKING OF 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 (the “Authority”); and be it further

RESOLVED, that the Investment Guidelines, which are annexed to the Materials, are found to be satisfactory and are hereby re-adopted; and be it further

RESOLVED that the Chairman of the Authority or his designees(s) be, and each of them hereby is, authorized in the name and on behalf of the Authority to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider necessary or proper to effectuate the foregoing and related actions.

Executive Director Evan Cohen indicated that the next three items on the agenda have not changed since last year.

On a motion made by Director Annunziato and seconded by Director Wright the following three resolutions were approved.

Positive votes: 5 Negative votes: 0

5. Re-Adoption of Amended Procurement Contracts Guidelines and the Taking of Related Actions

RESOLUTION NO. 21-882

RE-ADOPTION OF AMENDED PROCUREMENT CONTRACTS GUIDELINES AND THE TAKING OF 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 (the “Authority”); and be it further

RESOLVED, that the “Nassau County Interim Finance Authority Guidelines Regarding the Use, Awarding, Monitoring and Reporting of Procurement Contracts,” (the “Procurement Guidelines”), which are annexed to the Materials, are hereby re-adopted, as amended; and be it further

RESOLVED, that the Chairman of the Authority or his designees(s) be, and each of them hereby is,

authorized in the name and on behalf of the Authority to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider necessary or proper to effectuate the foregoing and, as deemed necessary, make non-material exceptions to said Procurement Guidelines, and to take related actions; and be it further

RESOLVED, that all actions previously taken by the Chairman at the Authority, or his designees, in furtherance of the foregoing are hereby ratified and approved.

6. Re-adoption of Property Disposition Contract Guidelines and the Taking of Related Actions

RESOLUTION NO. 21-883

RE-ADOPTION OF PROPERTY DISPOSITION CONTRACT GUIDELINES AND THE TAKING OF 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 (the “Authority”); and be it further

RESOLVED, that the Property Disposition Contract Guidelines annexed to the Materials, are hereby re-adopted; and be it further

RESOLVED, that the Chairman of the Authority or his designees(s) be, and each of them hereby is, authorized in the name and on behalf of the Authority to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider necessary or proper to effectuate the foregoing and related actions.

7. Re-adoption of NIFA Code of Ethics, and the Taking of Related Actions

RESOLUTION NO. 21-884

RE-ADOPTION OF NIFA CODE OF ETHICS, AND THE TAKING OF 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 (the “Authority”); and be it further

RESOLVED, that the Code of Ethics, which is annexed to the Materials, is found to be satisfactory and is hereby re-adopted, as amended; and be it further

RESOLVED, that the Chairman of the Authority or his designees(s) be, and each of them hereby is, authorized in the name and on behalf of the Authority to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider necessary or proper to

effectuate the foregoing and related actions.

8. Authorization to Acquire Directors and Officers Liability Insurance

On a motion made by Director Petracca and seconded by Director Meghji the following resolution was approved.

Positive votes: 4 Negative votes: 0

RESOLUTION NO. 21-885

AUTHORIZATION TO ACQUIRE DIRECTORS AND OFFICERS LIABILITY INSURANCE AND TO TAKE RELATED ACTIONS

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

RESOLVED, that the Chairman or his designee(s) are hereby authorized to utilize the services of the Arthur J. Gallagher & Co. to solicit Directors and Officers Liability Insurance, with one or more entities, for a term not to exceed five years, including renewals, and for a cost not to exceed \$50,000 per year, substantially upon the terms and conditions outlined in the Materials; and be it further

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

Executive Session

Director Wright made a motion that was seconded by Director Petracca to temporarily adjourn the Directors meeting and go into Executive Session to discuss litigation and other personal matters.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 21-886

EXECUTIVE SESSION - PURSUANT TO SECTION 105 OF THE PUBLIC OFFICERS LAW

RESOLVED, that pursuant to Section 105 of the Public Officers Law, the Directors of the Nassau County Interim Finance Authority shall convene in Executive Session for the purpose of

discussing legal and employment matters pursuant to the Open Meeting law.

* * *

At 6:37 PM the open session of the Directors meeting was temporarily adjourned, and an Executive Session of the Directors was convened.

At 7:52 PM a motion was made and seconded to come out of Executive Session and resume the Directors meeting.

Positive votes: 5 Negative votes: 0

Reconvened

Chairman Barsky noted that there was no votes or actions taken in the Executive Session and reconvened the Directors' meeting.

Director Wright made a motion to adjourn, which was seconded by Director Petracca. The Director's meeting was adjourned at 7:52 PM.

Respectfully submitted,

Kathleen Stella
Corporate Secretary

TAB II

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: D.P. Civil Inc. Contract

REQUEST FOR: Consideration of County Contract for D.P. Civil Inc.
(*NIFA # 133-21*)

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 June 11, 2021, the County submitted a contract for D.P. Civil Inc. (the “Firm”) to NIFA for approval. The vendor was selected through an open competitive bidding process. The term of the contract is one year from the notice to proceed, and it is valued at \$6,085,767.00

Discussion:

On April 12, 2021, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the Firm. The vendor will install check valves, stormwater treatment devices and drainage improvement to Lawson Avenue drainage system in East Rockaway.

The Governor’s Office of Storm Recovery will fund approximately 73.6% of the total contract or \$4,479,212.00. The County share of \$1,606,555.00 will be funded with capital proceeds. Approval of this contract does not guarantee approval of future borrowings.

Requested Action:

You are requested to consider the County’s contract with D.P. Civil Inc.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

CONSIDERATION OF COUNTY CONTRACT FOR D.P. CIVIL 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 for D.P. Civil Inc. which is projected to cost \$6,085,767.00; 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 future borrowing for this project at a later date; 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.

Adam Barsky
Chairperson

July 19, 2021

TAB III

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Eldor Contracting Corporation Contract

REQUEST FOR: Consideration of County Contract for Eldor Contracting Corporation
(*NIFA # 115-21*)

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 May 24, 2021, the County submitted a contract for Eldor Contracting Corporation. (the “Firm”) to NIFA for approval. The vendor was selected through an open competitive bidding process. The term of the contract is 730 consecutive days from the notice to proceed, and it is valued at \$5,927,045.00.

Discussion:

On January 11, 2021, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the Firm. The vendor will provide construction services for the installation of the Supervisory Control and Data Acquisition system (“SCADA”) at the Glen Cover Wastewater Treatment Plant and the Cedar Creek Water Pollution Control Plant.

The contract will be funded with capital proceeds. Approval of this contract does not guarantee approval of future borrowings.

Requested Action:

You are requested to consider the County’s contract with Eldor Contracting Corporation.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

CONSIDERATION OF COUNTY CONTRACT FOR ELDOR CONTRACTING 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 County’s Contract for Eldor Contracting Corporation. which is projected to cost \$5,927,045.00; 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 future borrowing for this project at a later date; 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.

Adam Barsky
Chairperson

July 19, 2021

TAB IV

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: J. Anthony Enterprises, Inc. Contract

REQUEST FOR: Consideration of County Contract for J. Anthony Enterprises, Inc.
(*NIFA # 143-21*)

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 July 6, 2021, the County submitted a contract for J. Anthony Enterprises, Inc. (the “Firm”) to NIFA for approval. The vendor was selected through an open competitive bidding process. The term of the contract is two years from the notice to proceed, and it is valued at \$7,893,352.50.

Discussion:

On May 10, 2021, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the Firm. The vendor will reconstruct a 1.4 mile stretch of Grand Avenue to improve pedestrian and vehicle safety.

The contract has a 59.5% Federal Aid reimbursement factor or \$4,700,000. The County share of \$3,193,352.50 will be funded with capital proceeds. Approval of this contract does not guarantee approval of future borrowings.

Requested Action:

You are requested to consider the County’s contract with J. Anthony Enterprises, Inc.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

CONSIDERATION OF COUNTY CONTRACT FOR J. ANTHONY ENTERPRISES, 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 for J. Anthony Enterprises, Inc. which is projected to cost \$7,893,352.50; 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 future borrowing for this project at a later date; 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.

Adam Barsky
Chairperson

July 19, 2021

TAB V

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Posillico Civil, Inc. Contract

REQUEST FOR: Consideration of County Contract for Posillico Civil, Inc.
(*NIFA # 132-21*)

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 June 11, 2021, the County submitted a contract for Posillico Civil, Inc. (the “Firm”) to NIFA for approval. The vendor was selected through an open competitive bidding process. The term of the contract is 120 days from the notice to proceed, and it is valued at \$5,076,997.90.

Discussion:

On May 10, 2021, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the Firm. The vendor will resurface roads in Great Neck.

The contract will be funded with capital proceeds. Approval of this contract does not guarantee approval of future borrowings.

Requested Action:

You are requested to consider the County’s contract with Posillico Civil, Inc.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

CONSIDERATION OF COUNTY CONTRACT FOR POSILLICO CIVIL, 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 for Posillico Civil, Inc. which is projected to cost \$5,076,997.90; 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 future borrowing for this project at a later date; 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.

Adam Barsky
Chairperson

July 19, 2021

TAB VI

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Posillico Civil, Inc. Contract

REQUEST FOR: Consideration of County Contract for Posillico Civil, Inc.
(*NIFA # 137-21*)

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 June 11, 2021, the County submitted a contract for Posillico Civil, Inc. (the “Firm”) to NIFA for approval. The vendor was selected through an open competitive bidding process. The term of the contract is 270 days from the notice to proceed, and it is valued at \$5,278,208.83.

Discussion:

On May 10, 2021, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the Firm. The vendor will resurface all or part of certain roadways in the Towns of Hempstead, North Hempstead, and Oyster Bay.

The contract has an 80% Federal Aid Reimbursement factor or \$4,222,567.06. The County Share in the amount of \$1,055,641.77 will be funded with capital proceeds. Approval of this contract does not guarantee approval of future borrowings.

Requested Action:

You are requested to consider the County’s contract with Posillico Civil, Inc..

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

CONSIDERATION OF COUNTY CONTRACT FOR POSILLICO CIVIL, 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 for Posillico Civil, Inc. which is projected to cost \$5,278,208.83; 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 future borrowing for this project at a later date; 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.

Adam Barsky
Chairperson

July 19, 2021

TAB VII

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Triumph Construction Corp. Contract

REQUEST FOR: Consideration of County Contract for Triumph Construction Corp.
(*NIFA # 131-21*)

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 June 10, 2021, the County submitted a contract for Triumph Construction Corp. (the “Firm”) to NIFA for approval. The vendor was selected through an open competitive bidding process. The term of the contract is one year from the notice to proceed, and it is valued at \$9,181,765.00

Discussion:

On April 12, 2021, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the Firm. The vendor will provide construction services to install check valves and increase the diameter of pipes on various Five Towns roads.

The Governor’s Office of Storm Recovery will fund approximately 69.5% of the total contract or \$6,383,529.00. The County share of \$2,798,236.00 will be funded with capital proceeds. Approval of this contract does not guarantee approval of future borrowings

Requested Action:

You are requested to consider the County’s contract with Triumph Construction Corp.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

CONSIDERATION OF COUNTY CONTRACT FOR TRIUMPH CONSTRUCTION CORP.

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 for Triumph Construction Corp. which is projected to cost \$9,181,765.00; 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 future borrowing for this project at a later date; 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.

Adam Barsky
Chairperson

July 19, 2021

TAB VIII

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Nassau Health Care Corporation.

REQUEST FOR: Financial Plan from Nassau Health Care Corporation to Address Its Fiscal Problems

Introduction:

The NIFA Directors are being asked to consider issuing an order to The Nassau Health Care Corporation (“NHCC”) requiring NHCC to provide a plan to address the issues raised by: a February 2021 Report from Alvarez and Marsal; growing deficits that it is incurring; as well as the “going concern” opinions of its auditors.

Background:

NHCC is a public benefit corporation created by New York State in 1996 pursuant to the New York State Public Authorities Law. Furthermore, under §3651(10) of the NIFA Act, NHCC is a “covered organization.”

It is a covered organization because although in September 1999, the NHCC acquired the health facilities owned by Nassau County (“County”), the County continues its relationship with NHCC by, *inter alia*, serving as a direct-pay guarantor of the NHCC's approximately \$150.1 million in outstanding bonds. NHCC is also included as a discretely presented component unit in the financial statements of the County.

NIFA previously exempted NHCC from strict controls because at that time, NIFA did not believe NHCC posed a material risk to the overall financial condition of the County. However, in February of 2020, NIFA determined that NHCC’s financial situation had changed and significantly deteriorated as evidenced by, among other indicators, the inclusion of the external auditor’s going concern opinion in NHCC’s financial statements for the period ended December 31, 2018.

Discussion:

Alvarez & Marsal Report.

Because of the importance of NHCC and its fiscal difficulties, NIFA authorized and delivered to NHCC a Report in February of 2021 by the nationally recognized healthcare consulting firm of Alvarez and Marsal. The Report spoke to the opportunities and problems that the consultants identified.

NIFA has not received a comprehensive response to the Report. Furthermore, in public discussions at NHCC's Board meetings, most of the Board appears to have substantially ignored the Report and the urgency of the fiscal tsunami that has been identified therein.

Going Concern Opinions in Audits.

As further evidence of NHCC's precarious financial situation, its past three audits have warned that NHCC may be unable to continue as a going concern. Among the issues raised in the FY 2020 audit was that NUMC incurred an operating deficit of \$102.3 million. Furthermore, through March 2021 NHCC reported a deficit of \$37.8 million.

NHCC Communications to NIFA

NIFA acknowledges receipt of limited communications from NHCC to address its fiscal problems; however, the communications continue to lack the specificity and benchmarks that are needed. NIFA requires a concrete plan and timeline with verifiable deliverables, that address its fiscal crisis identified in the Report and the going concern letters of their auditors. In the alternative, we would entertain a memo outlining the steps that are being taken to close NHCC before its available cash reserves are projected to expire in mid-2023.

Requested Actions:

Approval of a proposed order requiring NHCC to provide NIFA with a plan to address the issues raised by: a February 2021 Report from Alvarez and Marsal; growing deficits that it is incurring; as well as the "going concern" opinions of its auditors.

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

ORDER REQUIRING THE NASSAU HEALTHCARE CORPORATION TO PROVIDE A
PLAN TO ADDRESS ITS FISCAL PROBLEMS

WHEREAS, the NHCC is a public benefit corporation created by New York State in 1996 pursuant to the New York State Public Authorities Law; and.

WHEREAS, in September 1999, the NHCC acquired the health facilities owned by Nassau County (“County”); however, the NHCC is still included as a discretely presented component unit in the financial statements of the County and the County is a direct-pay guarantor of the NHCC's Series 2021 Bonds; and

WHEREAS, NHCC’s auditors have expressed substantial doubt that NHCC will be able to continue as a going concern in their opinion letters that accompanied their audits for FY 2018, 2019 and 2020; and

WHEREAS, in February of 2021, Alvarez and Marsal issued a report with suggestions to help NHCC reverse its financial shortfalls; and

WHEREAS, NIFA is concerned with the fiscal stability and viability of NHCC, a covered organization under §3651(10) of the NIFA Act; and

WHEREAS, in carrying out its duties NIFA has authority to issue an order to an appropriate official of a covered organization, and willful violation of a valid order is a misdemeanor; and

NOW, THEREFORE, BE IT RESOLVED, 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 in view of the lack of a viable financial plan by the NHCC Board and its apparent misunderstanding of its very serious financial problems, NIFA hereby orders the Chairman of NHCC or his designees to provide, within 90 days, a detailed plan to address the issues raised by: a February 2021 Report from Alvarez and Marsal; growing deficits that it is incurring; as well as the “going concern” opinions of its auditors; and be it further

RESOLVED, that this resolution shall be deemed an “order” as that term is defined in the NIFA Act and failure to comply shall subject the appropriate officials of NHCC to the penalties provided by the NIFA Act.

Adam Barsky
Chairperson

July 19, 2021

TAB IX

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 19, 2021

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Body Cameras

REQUEST FOR: Approval of an MOU Regarding the Wearing of Body Cameras by
Members of the Nassau County Police Benevolent Association

Introduction:

You are being asked to approve an amendment, via a memorandum of interim understanding (“MOU”), to the contract between the Nassau County Police Benevolent Association (“NCPBA”) and the County of Nassau. The MOU provides for the implementation of the Nassau County Police Department’s (“NCPD”) body-worn camera (“BWC”) program for sworn members.

Discussion:

The MOU amends the current contract between the County of Nassau and the NCPBA, which expired on December 31, 2017, but has continued in full force and effect by operation of law. The MOU shall continue and become part of a successor collective bargaining agreement.

When the NCPD BWC program is implemented, all active members of the NCPBA will participate in the program and receive an annual lump sum payment of \$3,000, payable in 26 equal installments. The parties have agreed that each active member will receive the payment except when the member is not participating in the program due to extenuating circumstances.

The annual cost to the County is estimated to be \$8.0 million per year.

The County intends to implement the BWC program commencing on or about September 30, 2021 with full implementation no later than December 31, 2021, or as soon thereafter as practicable. Annual pro-rated lump sum payments will commence and be implemented on a rolling basis as the program goes into effect.

The NCPBA executive board unanimously approved the MOU on June 8, 2021. The County Legislature approved the MOU on June 28, 2021.

Requested Action:

Approval of the MOU

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 21-

**APPROVAL OF AN MOU REGARDING THE WEARING OF BODY CAMERAS BY
MEMBERS OF THE NASSAU COUNTY POLICE BENEVOLENT ASSOCIATION**

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, the Authority hereby approves/disapproves an amendment, via a memorandum of interim understanding (“MOU”), to the contract between the Nassau County Police Benevolent Association and the County of Nassau. The MOU provides for the implementation of the Nassau County Police Department's body-worn camera program for sworn members.

Adam Barsky
Chairperson

July 19, 2021