

AGENDA

**NASSAU COUNTY INTERIM FINANCE AUTHORITY
TUESDAY, JULY 30, 2013, 5:00 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 June 5, 2013 Meeting
- II. Approval of Service of Notices of Claim on the Secretary of State and the Taking of Related Actions
- III. Consideration of County Participation in an EFC Financing and the Taking of Related Actions
- IV. Consideration of County Contract for Armor Correctional Health Services of NY, Inc.
- V. Consideration of County Contract for Hazen and Sawyer/Malcolm Pirnie
- VI. Consideration of Contracts from the County Attorney's Office
- VII. Consideration of Issuance of Bonds by the County

Adjournment

DRAFT – SUBJECT TO REVIEW AND REVISION

NASSAU COUNTY INTERIM FINANCE AUTHORITY
MINUTES OF THE MEETING OF THE DIRECTORS
HELD ON JUNE 5, 2013

Pursuant to notice dated May 31, 2013, a meeting of the Nassau County Interim Finance Authority (“NIFA”) was convened at 5:22 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:

Ronald Stack, Chairman
John Buran
George Marlin
Dermond Thomas
Christopher Wright

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

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

Chairman Stack then asked Executive Director Cohen to go through the items on the agenda.

Executive Director Cohen stated that the first item on the agenda was a resolution to approve the minutes of the April 19, 2013 Directors’ meeting.

DRAFT – SUBJECT TO REVIEW AND REVISION

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

Resolution No. 13-422

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE APRIL 19, 2013 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on April 19, 2013 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.

* * *

Executive Director Cohen stated that the next item on the agenda was a resolution acknowledging the receipt and acceptance of the Independent Auditors' Report on NIFA's Financial Statements for the Year Ended December 31, 2012. He stated that earlier in the day NIFA's Audit and Internal Controls Committee was given a complete presentation from Mike Malloy of Deloitte and Touche and voted to send the audit to the full Board for review and acceptance.

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

Resolution No. 13-423

RECEIPT AND ACCEPTANCE OF INDEPENDENT AUDITORS' REPORT ON THE AUTHORITY'S FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED DECEMBER 31, 2012

RESOLVED, that the materials presented to this meeting (the "Materials") are ordered to be filed

DRAFT – SUBJECT TO REVIEW AND REVISION

with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that the Authority acknowledges receipt of the Deloitte & Touche LLP Independent Auditors’ Report on NIFA’s Financial Statements for the Year Ended December 31, 2012 (the “Audit”) presented at the June 5, 2013 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 Deloitte & Touche LLP, NIFA’s independent auditors; and be it further

RESOLVED, that this resolution shall take effect immediately.

* * *

Executive Director Cohen stated that the next item on the agenda was a resolution to approve NIFA’s 2012 Annual Report which discusses the mission, structure and accomplishments of the Authority. He stated that NIFA is required to submit an annual report each year. Executive Director Cohen stated that members of the Audit and Internal Controls Committee met earlier in the day to discuss NIFA’s Annual Report and recommended that it be forwarded to the entire Board for adoption.

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

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution No. 13-424

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 2012 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, 2012 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.

* * *

Executive Director Evan Cohen stated that the next items on the agenda were resolutions readopting the Investment Guidelines, Procurement Guidelines, Property Disposition Guidelines and Code of Ethics Guidelines. He stated that the Investment Guidelines were reviewed and approved for submission to the entire Board at the Audit and Internal Controls Committee meeting held earlier in the day. He stated that all of the guidelines remain unchanged from last year.

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Upon motion duly made and seconded, the following resolutions were approved unanimously:

Resolution No. 12-425

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.

* * *

Resolution No. 12-426

RE-ADOPTION OF 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”), 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, as deemed necessary, make non-material exceptions to said Procurement Guidelines, and to take related actions; and be it further

DRAFT – SUBJECT TO REVIEW AND REVISION

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.

* * *

Resolution No. 13-427

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.

* * *

Resolution No. 13-428

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.

* * *

DRAFT – SUBJECT TO REVIEW AND REVISION

Executive Director Cohen stated that the next item on the agenda was a resolution to continue the services of Microforce to maintain the accounting program for an additional expense not to exceed \$25,000.

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

Resolution No. 13-429

AUTHORIZATION TO INCREASE THE AMOUNT NECESSARY TO PURCHASE
ACCOUNTING SOFTWARE, TRAIN STAFF, AND 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 ordered to expend up to \$25,000 for additional training and software from Micro Force Inc. in accordance with the attached Materials; and be it further

RESOLVED, that the solicitation of other vendors would be impractical because of the degree of expertise that this vendor has in working with NIFA’s software; and be it

RESOLVED, that all prior expenditures to Micro Force, as further described in the Materials, are hereby ratified and affirmed; 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 to take related actions.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to give authorization to increase the amount of NIFA’s contract with Lamont Financial Services Corporation. He stated that Lamont has been an advisor to NIFA since 2004 and has assisted in NIFA’s swap program, several letters of credit as well as NIFA’s refunding.

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

Resolution No. 13-430

AUTHORIZATION TO INCREASE THE AMOUNT OF NIFA'S CONTRACT WITH LAMONT FINANCIAL SERVICES CORPORATION AND TO TAKE RELATED ACTIONS

WHEREAS, the Nassau County Interim Finance Authority ("NIFA") or the ("Authority") was created by Chapter 84 of the Laws of 2000 (the "Act") to be a corporate governmental agency constituting a public benefit corporation to issue bonds that are backed by county sales tax revenues as well as to perform certain budgetary oversight functions as set out in the Act; and

WHEREAS, the Authority currently has a approximately \$1.4 billion of outstanding NIFA bonds of which \$600 million are supported by interest rate exchange contracts or swaps; and

WHEREAS, the global liquidity issues have negatively affected the municipal bond markets and caused them to change rapidly and often behave in an unexpected manner;

WHEREAS, the Directors deem these to be extraordinary circumstances that may require emergency actions to be taken by the Authority to fulfill its statutory responsibilities; and

WHEREAS, Lamont Financial Services Corporation ("Lamont") had previously been selected by NIFA as its Financial Advisor pursuant to a resolutions in 2008 and 2010;

NOW, THEREFORE, BE IT 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 the Executive Director or his designee(s) shall take all actions necessary to amend NIFA's existing contract with Lamont and for an additional total amount not to exceed \$100,000, plus disbursements, and 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.

* * *

DRAFT – SUBJECT TO REVIEW AND REVISION

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of a contract between the County and Eldor Traffic Signal Contracting Corporation for approximately \$6 million. He stated that the County is currently encumbering \$2 million towards this contract and NIFA’s approval of the agreement is to be given with the caveat that NIFA does not guaranty that it will approve any future borrowing at a later time.

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

Resolution No. 13-431

CONSIDERATION OF COUNTY CONTRACT FOR ELDOR TRAFFIC SIGNAL CONTRACTING 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 Eldor Traffic Signal Contracting Corp. which is projected to cost \$6,000,000; 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 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.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of six 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

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work on contracts prior to NIFA approval, the NIFA Directors had stated that they would like to review them.

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

Resolution No. 13-432

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 CQAT13000003, CQAT13000014, CQAT13000013, CQAT12000017 (prospectively only) in the Materials and disapproves contract(s) numbered CQAT13000004 and CQAT13000002 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.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to approve

DRAFT – SUBJECT TO REVIEW AND REVISION

the issuance of revenue anticipation notes by the County. Director Marlin stated that the Finance committee unanimously approved this at its meeting earlier and recommends that the full Board approve the resolution.

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

Resolution No. 13-433

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 \$210.617 million of Revenue Anticipation Notes, Series 2013, upon the 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 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 last item on the agenda was a resolution appointing Evan Cohen as Treasurer with the caveat that he only serve as needed until the new Treasurer is appointed. He stated that Jane Cunneen has resigned from NIFA and the statute requires a Treasurer. He stated that the appointment would be effective July 1, 2013.

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

DRAFT – SUBJECT TO REVIEW AND REVISION

unanimously:

Resolution No. 13-434

APPOINTING AN OFFICER OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

WHEREAS, Jane Cunneen has tendered his resignation as Acting Treasurer of the Nassau County Interim Finance Authority ("NIFA"), effective June 30, 2013; and

WHEREAS, Chapter 84 of the Laws of 2000, as amended and supplemented, requires that NIFA appoint a Treasurer;

NOW, THEREFORE, BE IT RESOLVED that the NIFA appoints Evan Cohen, who currently serves as Executive Director of NIFA, to the additional office of Treasurer together with all the rights, responsibilities of that office, effective July 1, 2013.

* * *

Chairman Stack thanked Jane Cunneen for her years of service to the Authority and wished her well.

The Chairman then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 5:40 PM.

Respectfully submitted,

Laurie A. Boucher
Corporate Secretary

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Notice of Claim Designation

REQUEST FOR: Approval of Service of Notices of Claim on the Secretary of State and the Taking of Related Actions

Introduction

In late 2012, the Governor signed the Uniform Notice of Claim Act into law. The Act, which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against public corporations (which includes NIFA) to be served on the New York Secretary of State as our agent. According to the Act, the New York Department of State will forward any notice of claim served on it to the designee(s) of the public corporation.

Discussion

This new method of serving notices of claim on public corporations requires each public corporation to file with the New York Department of State a certificate that:

1. Designates the New York Secretary of State as the public corporation's agent for service of notices of claim;
2. Provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim; and
3. Provides the applicable time limit for filing a notice of claim on the public corporation. In the case of NIFA, we are governed by the General Municipal Law § 50-e which imposes a general 90 day time limit for filing a notice of claim.

Public corporations need to adopt a motion or resolution approving the designation and appointing the individual to whom the Secretary of State must mail notices of claim.

Requested Action

Approval of attached form which complies with the aforementioned requirements.

Attachments:
Form
Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 13-436

**APPROVAL OF SERVICE OF NOTICES OF CLAIM ON THE SECRETARY OF STATE
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 based upon the Materials presented to this meeting, the Authority agrees to the terms and content, as well as the execution and filing of the attached form which:

1. Designates the New York Secretary of State as the public corporation's agent for service of notices of claim;
2. Provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim (NIFA's Executive Director); and
3. Provides the applicable time limit for filing a notice of claim on the public corporation.

Ronald Stack
Chairperson

July 30, 2013



DEPARTMENT OF STATE, DIVISION OF CORPORATIONS, STATE RECORDS & UCC

ANDREW M. CUOMO, GOVERNOR CESAR A. PERALES, SECRETARY OF STATE



CERTIFICATE OF DESIGNATION FOR SERVICE OF NOTICE OF CLAIM

(Pursuant to Section 53 of the General Municipal Law)

Public Corporation Name

*The name of the public corporation: NASSAU COUNTY INTERIM FINANCE AUTHORITY

County

The principal location of the public corporation is in the county of:

*County NASSAU

Address to Transmit Notice of Claim

The name, post office address and email address of an officer, person or designee, nominee or other agent-in-fact to which the Secretary of State shall transmit a copy of any Notice of Claim served upon the Secretary of State as the public corporation's agent is:

* Name EXECUTIVE DIRECTOR

* Address1 NASSAU COUNTY INTERIM FINANCE AUTHORITY

Address2 170 OLD COUNTRY ROAD, SUITE 205

* City MINEOLA

* Email Address EVAN.COHEN@NIFA.NY.GOV

* Confirm Email Address EVAN.COHEN@NIFA.NY.GOV

* State NY * Postal Code 11501

Time Limit - maximum of 500 characters

The time limit for service of a Notice of Claim upon the public corporation is:

*Time Limit GOVERNED BY SECTION 50-e GML (Generally, ninety days after the claim arises)

Statutory Provisions - maximum of 4000 characters

Any statutory provisions uniquely pertaining to the public corporation and the commencement of an action or proceeding against it are as follows:

Vendor ID

The New York State Vendor Identification Number (Vendor ID) for the public corporation is:

Vendor ID

Note: Public corporations that do not have a Vendor ID issued by the Office of the State Comptroller will be contacted regarding issuance of a Vendor ID when fees for service of Notices of Claim are available for distribution. The public corporation will not receive distributions of its share of fees for service of Notices of Claim until it has been assigned a Vendor ID.

Remittance Address

Distributions to the public corporation for its share of fees for service of Notices of Claim will be sent to the following Remittance Address:

*Name

TREASURER

*Address1

NASSAU COUNTY INTERIM FINANCE AUTHORITY

Address2

170 OLD COUNTRY ROAD, SUITE 205

*City

MINEOLA

*State

NY

*Postal Code

11501

Note: The Remittance Address for public corporations with a Vendor ID must match the public corporation's Remittance Address in the New York State Vendor Management System. If the Remittance Address provided does not match the address on file in the New York State Vendor Management System, the public corporation's share of fees cannot be distributed. To update the public corporation's Remittance Address on file in the New York State Vendor Management System the public corporation must access and update its vendor record at www.osc.state.ny.us.

Signature

By checking this box I affirm that the statements contained herein are true to the best of my knowledge, that I am authorized to sign this Certificate of Designation for Service of Notice of Claim and that my name typed below constitutes my signature.

*Signer

* Title of Signer

Continue >

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: EFC Approval

REQUEST FOR: Consideration of County Participation in an EFC Financing and the Taking of Related Actions

Introduction:

The County is requesting that we approve their participation in a New York State Environmental Facilities Corporation (“EFC”) financing.

Background

The EFC has informed the County that it will include the County’s Birches sewage system capital project (“Birches Project”) in its Clean Water State Revolving Fund (“SRF”) bond issue to close on or about August 1, 2013. The proceeds of the EFC bonds, together with SRF program equity, will be used to provide subsidized financing to the County for the Birches Project (and to other municipalities across the State).

In 2009, the County executed a Clean Water Facility Note – 2009A (Bond Anticipation Note) to EFC under the American Recovery and Reinvestment Act (“ARRA”) to finance part of the cost of the County’s portion of the Birches Project. NIFA approved the remaining draws under the EFC short-term financing on December 8, 2011.

The County will issue mirror bonds in the estimated amount of \$3,185,419 to EFC to refinance the outstanding short-term note (net of ARRA principal forgiveness) and to pay certain additional project costs.

Discussion

The EFC requires County consent and NIFA approval to participate in the EFC financing, and consequent new amortization for its associated bonds, before formally passing along the benefits of the refunding to the County.

Requested Action

Approval of Nassau County's participation in the EFC refinancing, including the execution by the County of all necessary certificates or other related documents.

Attachment:
Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 13-437

**CONSIDERATION OF NASSAU COUNTY PARTICIPATION IN AN ENVIRONMENTAL
FACILITIES CORPORATION FINANCING 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 based upon the Materials presented to this meeting, the Authority agrees to Nassau County’s participation in the New York State Environmental Facilities Corporation financing referenced in the Materials, including the execution by the County of all necessary certificates or other related documents.

Ronald Stack
Chairperson

July 30, 2013

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Armor Contract

REQUEST FOR: Approval of County Contract for Armor Correctional Health Services of NY, Inc.

Introduction:

On March 24, 2011 NIFA adopted the Contract Approval 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.

The County submitted a renewal contract for Armor Correctional Health Services of NY, Inc. to NIFA for approval. The vendor was selected through a County RFP process. The two year renewal contract is valued at \$11,740,605 for the first 12 months (\$6,848,686.25 for the first 7 months in 2013) and will be subject to an inflator in the second year.

Discussion:

Prior to FY 2011, the County budgeted for Correctional Center inmate health services with the Nassau County Health Care Corporation (NHCC). In an effort to contain costs for the provision of these services, following the Request for Proposal (RFP) process and selection of Armor Correctional Health Services of NY, Inc., NIFA received the original contract with this vendor for review and approval. The contract was estimated to save the County approximately \$7,000,000 and the NIFA Board approved this contract on May 2, 2011. The current contract that is being submitted for review is the first amendment to the original for a two-year extension including amended terms and a modest increase of less than 1% from the second year base. Armor will continue to provide medical, mental health, dental and ancillary services to inmates incarcerated at the Nassau County Correctional Center.

Requested Action:

You are requested to approve the County's contract for Armor Correctional Health Services of NY, Inc.

Attachment:
Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 13-438

APPROVAL OF COUNTY CONTRACT FOR ARMOR CORRECTIONAL HEALTH SERVICES OF NY, INC.

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(d) of the Authority Act, the Authority hereby approves the County’s Contract for Armor Correctional Health Services of NY, Inc., which is projected to cost \$11,740,605 for the first year and will be subject to an inflator in the second year; 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.

Ronald Stack
Chairperson

July 30, 2013

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Hazen and Sawyer/Malcolm Pirnie Contract

REQUEST FOR: Consideration of County Contract for Hazen and Sawyer / Malcolm Pirnie

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 July 3, 2013, the County submitted a contract for Hazen and Sawyer / Malcolm Pirnie (the, "Program Manager") to NIFA for approval. The term of the contract is three years, is valued at \$29,146,925 (the, "Contract") and uses a phased-in approach.

The Program Manager's services are under the management and control of the Department of Public Works who have the responsibility to align the services being provided to the project scope. Additionally, all contracts contain language subjecting them to audit by the County Comptroller's Office.

It is noteworthy that if certain projects contemplated under the Contract are not ultimately approved by the County Legislature, the scope and amount expended under the Contract can be adjusted and/or terminated. In addition, as per an Executive Order No. 61-2013 of the County Executive, bi-monthly meetings between will be held to "review the County's schedule and milestones for the (p)roject; to review the status and progress of the (p)roject; and to discuss any issues that arise during the course of the (p)roject."

Discussion:

At their May 20, 2013 meeting, the Legislative Rules Committee approved the Contract for Services between the Nassau County Department of Public Works and Hazen and Sawyer/Malcolm Pirnie, the Joint Venture Program Management Team (collectively, the "Firm"). The services to be provided by the Firm under this Contract consist of project

management, planning, consulting engineering, preliminary design, pre-construction, construction and post-construction phase services for the permanent repair of projects associated with the Sandy recovery of the Bay Park Sewage Treatment Plant, including associated facilities.

The projects to be constructed as a result of the Firm's services are listed in Table 1 (attached) and include permanent repair and mitigation of all Bay Park and associated facilities.

In addition, there are multiple capital projects that are Non-Sandy in scope and will require only "Coordination" by the Firm. These projects were identified and in design prior to Sandy. It is important to note that the current scope of services for the Firm do not include "Coordination" with Non-Sandy capital projects; therefore, a contract amendment will be proposed to the County Legislature and NIFA for approval in the near future. The Non-Sandy capital projects are listed in Table 2 (attached). Duplication of project names in Table 1 and 2 are due to variation of project scope.

The various tasks included in the Firm's services are listed in Table 3 (attached) and are further explained in the Contract, a copy of which was sent to you under separate cover.

The services provided under this contract will result in projects with an anticipated cost of approximately \$934.5 million.

Requested Action:

You are requested to consider the County's Contract with Hazen and Sawyer / Malcolm Pirnie.

Attachments:

Tables 1, 2, 3
Resolution

Table 1

Influent Screening, Mitigation Elements Only

Raw Sewage Pumps (Sandy Recovery / Mitigation)

Grit Removal, Mitigation Elements Only

Primary Settling Tanks (Sandy Recovery / Mitigation)

Secondary Treatment Facilities, Mitigation Only

Digesters, Mitigation Elements Only

Sludge Thickening, Mitigation Elements Only

Sludge Dewatering Facilities (Sandy Recovery / Mitigation)

Central and Distributed HVAC Systems (Sandy Recovery / Mitigation)

Effluent Screening and Disinfection (Sandy Recovery / Mitigation)

Effluent Pumping Station (Sandy Recovery / Mitigation)

Electrical Distribution System (Sandy Recovery / Mitigation)

Pump Station Permanent Repairs (Sandy Recovery / Mitigation) Phase I

Pump Station Permanent Repairs (Sandy Recovery / Mitigation) Phase II

Odor Control Systems, Mitigation Elements Only

General Plant Site Facilities (Sandy Recovery / Mitigation)

Plant Boundary Alternatives (Sandy Recovery / Mitigation)

Table 2

Influent Screening

Grit Removal

Secondary Treatment Facilities

Digesters

Sludge Thickening

Engine Controls

SCADA

Odor Control Systems

Table 3

- 2.1 Planning Services
- 2.2 Preliminary Design Services
- 2.3 Construction Planning Services
- 2.4 MOPO & Plant Performance Assurance Study
- 2.5 Budgeting
- 2.6 Scheduling
- 2.7 Permitting/Environmental Review
- 2.8 Cash Flow Forecasting
- 2.9 Program Management Information System (PMIS)
- 2.1 Meetings
- 2.11 Constructability Workshop
- 2.12 Procurement Services
- 2.13 Project Administration
- 2.14 FEMA Technical Assistance
- 2.15 Public Relations
- 2.16 Construction Services
- 2.17 Post-Construction Services
- 2.18 Regional Planning Assistance
- 2.19 Pilot Demonstration Project Assistance

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 13-439

**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 County’s Contract for Hazen Sawyer / Malcolm Pirnie which is projected to cost \$29,146,925; 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.

Ronald Stack
Chairperson

July 30, 2013

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 30, 2013

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:

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.

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	CQAT13000009	\$25,000	Counsel is representing the named defendants in litigation known as Ward v Brewer, et al (09-CV-6726), NC Supreme Court.
Essey LLC dba The TemPosition Group of Companies	CLAT13000016	\$125,000	Provide on an "as needed" basis temporary clerical staffing services. This amendment increases funding to the contract. The total amount of contract will now be \$857,000.

Requested Action:

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

Attachment:
Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 13-440

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.

Ronald Stack
Chairperson

July 30, 2013

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: County General Obligation Bonds

REQUEST FOR: Consideration of Issuance of Bonds by Nassau County

Introduction:

The County has communicated with NIFA its desire to borrow through the issuance of bonds. Its original request on July 3, 2013 was for \$231,222,356, but on July 22, 2013 the total amount of requested bonding was reduced to \$136,649,826.77 (“Total Amount”)

The Total Amount will be used to pay for the expenses outlined in Attachments A-E:

Purpose	Amount
Capital Projects – General	\$50,769,393.19
Capital Projects – SSW	16,980,439.58
EBA	4,951,466.10
Tax Certs	40,000,000.00
Judgments & Settlements	23,948,527.90
TOTAL	\$136,649,826.77

*Note – In accordance with NIFA’s direction to reduce the size of its new capital borrowing request, as well as lack of action by the County Legislature, the County revised downward their original request for General Capital needs from \$112.5 million to \$50.8 million (see above). Since the control period was imposed in 2011, NIFA’s actions had previously resulted in County borrowings being reduced by an additional \$90 million.

All of the bonds that are part of the Total Amount have been authorized by the County Legislature and the debt service can be accommodated by the amounts set aside in the 2013-2016 MYP. It is not anticipated that any of the expenditures that are paid for by the bonds will be reimbursable by the Federal or State governments.

Background:

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.”

Discussion:

Numerous meetings and significant amounts of documentation have passed between the NIFA staff and County staff concerning this request for bonding authorization. The project descriptions in the Attachments are self explanatory, except perhaps the Attachment that highlights a request for \$40,000,000 in cert borrowing. Since much of the discussion surrounding tax certs is involved in ongoing litigation, an Executive Session would be appropriate to answer additional questions.

Recommendation:

We recommend that the County's request for borrowing be approved for a Total Amount not to exceed \$136,649,826.77 of bonds. In addition, it is recommended that the use of Premium Bonds shall be at the County's discretion such that the total proceeds of the issuances equal no more than the Total Amount plus the costs of issuance.

Attachments:

Resolution
Attachments A - E

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 13-441

APPROVAL OF ISSUANCE OF BONDS 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 bonds and approves such issuance(s) in the amounts and upon the conditions outlined 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.

Ronald Stack
Chairperson

July 30, 2013

**General Capital Projects
Attachment A**

Project Number	Formatted Project Title	Proposed Borrowing
41814	Parks Fencing	\$218,000.00
41826	Various Parks Preserve Buildings Rehabilitation	1,251,873.83
41851	Various Parks Golf Course Renovation Phase II	400,000.00
41855	Parks Equipment Replacement	500,000.00
41864	Park Furnishings	500,000.00
50404	Police Department Renovation of Outdoor Pistol Range	603,133.70
50570	Police Department Computer Aided Dispatch System	1,634,720.42
50619	Police Department Ambulance Replacement	650,571.29
50622	Police Department Specialty Vehicle Replacement	66,582.80
50680	Police Department Precincts & Auxiliary Precincts Renovation and Modernization	3,000,000.00
50685	Police Department - Ambulance Medical Control Upgrade	42,815.02
50686	Police Fleet Replacement	1,116,392.59
51037	Jail Six Year Master Plan	810,745.12
51044	Jail Kitchen Retrofit	248,173.19
61078	Guide Rails	150,000.00
61091	Grand Avenue, Baldwin	352,000.00
61101	Uniondale Avenue/Front Street Improvements	150,000.00
61102	Bellmore Ave Rehabilitation	37,539.51
61103	Austin Blvd Road Improvement, Island Park	77,124.39
61107	Farmingdale Road Improvements	1,200,000.00
61111	Wantagh Avenue, Wantagh Road Improvements	63,988.28
61570	Remove and Replace Sidewalks	2,927,538.00
61587	Resurfacing	1,000,000.00
61682	North Main Street	150,000.00
62017	Traffic Signal Construction & Modification	627,958.10
62161	Old Country Road Signal Heads Phase I	92,479.38
62162	Old Country Road Signal Heads Phase II	250,000.00
62190	Traffic Peninsula Boulevard Signal Head Replacement	412,672.56

Project Number	Formatted Project Title	Proposed Borrowing
62313	Traffic Sign Replacement - Phase V	36,670.23
62454	Traffic Computerized Signal (Central Ave/Rockaway Turnpike)	13,372.00
62560	Traffic Incident Management System - Old Country Road	115,666.98
66015	Tree Planting	560,000.00
66016	Tree Planting	2,500,000.00
70060	NCC Energy Initiative	30,337.00
70094	NCC Performing Arts Center	18,992.54
81011	Hazardous Waste Response Fund Phase II	300,000.08
90401	Various County Facilities - Electrical Construction	463,379.10
90402	Various County Facilities - HVAC Construction	1,308,098.43
90403	Various County Facilities - Plumbing Construction	100,000.00
90404	Various County Facilities – Fire Alarm/Protection and Security Systems	670,023.43
90632	Family & Matrimonial Court	9,638,811.20
92029	Veterans Memorial Coliseum Reuse EIS	2,669,383.74
97103	eGovernment	498,909.19
97104	Disaster Recovery Plan	37,952.15
97108	Vehicle Management Inventory System	1,680.00
97114	Traffic Parking Violations Agency Computer System Replacement	202,051.44
97118	Server and Equipment Consolidation	89,387.89
97121	ADAPT	87,435.70
97123	Jail Management System	177,477.50
97124	Integrated Information Management System	459,523.45
97126	Countywide Document Management Program	1,072,363.44
97129	Probation Caseload Explorer	31,386.00
97135	VOIP Implementation	152,183.52
99206	Various County Projects	6,000,000.00
9B480	Land Acquisition	<u>5,000,000.00</u>

Total

\$50,769,393.19

**Sewer Projects
Attachment B**

Project Number	Formatted Project Title	Total Proposed Borrowing
35102	SSW Buildings Roof Repair	\$500,000.00
35103	Various County Parks Pond/Bulkhead Replacement	420,211.00
35108	SSW Building Improvements	868,540.00
35112	Mosquito Control Plan	36,967.07
35114	Wastewater Facilities Improvements	1,000,000.00
35115	Wastewater Facilities Master Plan Design Improvements	1,099,733.00
35116	Wastewater Facilities Odor Control Improvements	3,154,041.80
35117	Wastewater Facilities Security Improvements	1,000,000.00
35118	Water/Wastewater Facilities Requirements	402,425.63
3B119	Bay Park Various Buildings and Equipment Modifications	1,307,985.00
3B200	Bay Park Hot & Chilled Water Piping System Replacement	54,727.96
3C057	Cedar Creek Sludge Dewatering Facility Improvement	329,132.24
3C067	Cedar Creek Equipment Replacement	5,000,000.00
82008	Rehabilitation of Storm Water Basins	806,675.88
98041	SSW Motorized Equipment Replacement	<u>1,000,000.00</u>

Total

\$16,980,439.58

**EBA Projects
Attachment C**

Project Number	Formatted Project Title	Total
9E100	2004 Environmental Bond Act	\$884,867.00
9E200	2006 Environmental Bond Act	<u>4,066,599.10</u>
Total		\$4,951,466.10

9E100 For the 2004 Environmental Bond Act (9E100) there are 13 projects that are currently active

Hall's Pond Park
Roosevelt Preserve
Tackapausha Preserve
Tanglewood Preserve
Long Island Motor Parkway
Hempstead House Windows/Lintel Replacement
North of Halls Pond Storm Water Improvement
Smith Street Right of Way Drainage Improvement
Massapequa Preserve Stormwater Treatment Project
Brookside Preserve Stormwater Project – via IMA with Village of Freeport
Meadowbrook Creek Stormwater Project – via IMA with Village of Freeport
Mill Pond and Village Green Project – via IMA with Village of Valley Stream
Florence Avenue Stormwater Project – via IMA with Town of Oyster Bay

9E200 For the 2006 Environmental Bond Act (9E200) there are 17 projects that are currently active

Village of Island Park – Storm Water Improvement – via IMA with the Village of Island Park
South Shore Blueway Trail – via IMA with Village of Freeport
Old Bethpage Village Support Barn
Eisenhower Park Accessible Playground Restroom
Floatable Trash Collection Project
Urban Forest Master Plan
Massapequa Preserve Storm Water Treatment (with project in 9E100)
Centennial Park Improvements – via IMA with Village of Rockville Centre
Mill Pond/Hendrickson Pond Improvements – via IMA with Village of Valley Stream (with project in 9E100)
Playground Improvements @ Uniondale Schools – via IMA with Uniondale School District
Park Improvements in East Rockaway – via IMA with East Rockaway
Motor Parkway Trail Construction (with project in 9E100)
Dutch Broadway Field Improvements
Park Improvements in the Village of Farmingdale (3 projects) – via IMA with Village of Farmingdale
Freeport HS Field Improvement – via IMA with Freeport School District

Attachment D
Tax Certs

Ordinance #99-B-2013 covers those properties which were listed on Schedule A to the order of the Hon. Thomas A. Adams in the action *Tonjo Properties 501 LLC v. Beaumont Jefferson, et al.*, Nassau County Supreme Court Index No. 1402/2012. Pursuant to the terms of this ordinance, residential (class one and class two) property owners will be paid their refunds before any commercial property owners will be entitled to receive any of the proceeds of this bonding.

Attachment E
Judgments, Settlements and Claims

Dave Hanson v. Nassau County Department of Social Services and Bob Bowen, Maintenance Mechanic II, Individually

Bond Ordinance # 21-2012 (\$459,000 = settlement amt. \$450,000 + 2% COI of \$9,000)

Settlement Resolution # 27-2013; Passed by Nassau County Legislature on February 25, 2013

The case is a settlement of a 2009 civil rights lawsuit whereby the plaintiff alleged Nassau County Department of Social Services and his supervisor, Bob Bowen, discriminated against him based on his race/color and retaliated against him under Title VII of the Civil Rights Act of 1964 and the New York State of Human Rights Law (Executive Law § 296). Plaintiff sought as relief back pay, forward pay, emotional distress damages and attorney's fees. The alleged discrimination and retaliation took place during the time period of 2006 – 2007. The lawsuit was commenced in 2009. The parties reached a settlement in the total amount of \$450,000 and the Nassau County Legislature approved the settlement as well as the bond ordinance on February 25, 2013.

Gabriel Razzano v. County of Nassau, et al.

Bond Ordinance # 24-2013 (\$281,067.16 = settlement amt. \$275,556.04 + 2% COI of \$5,511.12)

Settlement Resolution # 28-2013; Passed by Nassau County Legislature on February 25, 2013

This is a settlement of payment of Court awarded attorney's fees in civil rights lawsuit pursuant to summary judgment. In this case the plaintiff asserted one federal cause of action, for violation of plaintiff's procedural due process rights under the Fourteenth Amendment, and two state law claims, for conversion and replevin. All claims involved the Nassau County Police Department's confiscation on March 20, 2007 and retention of plaintiff's nine long arms (rifles and shotguns). At a hearing to determine plaintiff's damages, federal Magistrate Judge Tomlinson awarded \$20,000 in emotional distress damages. However as the prevailing party, plaintiff is also entitled to attorney's fees and expenses pursuant to 42 U.S.C. § 1988. Plaintiff's attorney submitted a fee application in the amount of \$294,356.77. The County challenged and successfully negotiated a reduction in the attorney's fees to \$255,556.04. The attorney's fees plus the \$20,000 in emotional distress damages awarded after hearing total \$275,556.04. The Nassau County Legislature approved the settlement as well as the bond ordinance on February 25, 2013.

Nicholas Morgan v. County of Nassau, et al.

Bond Ordinance # 52-2013 (\$408,000.00 = settlement amt. \$400,000.00 + 2% COI of \$8,000.00)

Settlement Resolution # 62-2013; Passed by Nassau County Legislature on April 22, 2013

This action was commenced pursuant to 42 U.S.C. 1983 and 1985, in Federal District Court, Eastern District of New York. The incident alleged arose from the events surrounding the presidential debates on October 15, 2008 at Hofstra University in Hempstead. On October 15, 2008, Nicholas Morgan was present for demonstrations as a member of IVAW (Iraq Veterans Against the War). During the debate protestors outside were permitted onto Hempstead Turnpike. Since Hempstead Turnpike was, according to the security plan, to remain clear, certain IVAW protestors were arrested (acts of “civil disobedience”) and the police were charged with the task of clearing the roadway. During this process a pile of people fell to the ground, including Morgan and one of the police officers. Plaintiff, who was on the ground in the pile, alleges to have been injured as a result of being kicked by a police horse. He claims to have sustained a fracture of the right orbital bone, which required surgical repair, including the installation of metal plate, with several months of follow-up treatment. He also had a minor procedure performed for the removal of excess scar tissue. There is no claim that he has suffered adverse vision, although he does claim that the injury to his face and surgery affected his ability to perform normal daily activities. Plaintiff’s claims include County’s alleged failure to properly maintain order and alleged excessive force in containing the crowd. This settlement will preclude any further litigation and includes all attorneys’ fees which could be awarded should the plaintiff have prevailed in this civil rights litigation.

Nassau County v. MTA, et al.

Bond Ordinance # 102-2013 (\$23,279,431.30 = judgment amt. \$13,636,682.12 plus interest of \$9,186,289.74 = \$22,822,971.86 + 2% COI of \$456,459.44)

In 1996 Nassau County challenged the validity of the 1996 Mass transportation Funding Agreement between the County and the MTA. The MTA filed cross claims against Nassau County. In 2010 the County’s claims were dismissed but the MTA’s cross claims against the County survived. Judge Barbara R. Kapnick, New York County Supreme Court, granted summary judgment to MTA and ordered the County to pay in the amount of \$13,636,682.12 plus interest pursuant to CPLR 5001 in the amount of \$5,030,010.01 and the interest rate of nine (9%) percent per annum running from December 23, 2010 pursuant to CPLR 5002 for a total judgment of \$22,822,971.86. The proposed bond is for a total of \$23,279,431.30 consisting of the total judgment amount plus 2% cost of issuance. Nassau County Legislature approved ordinance on July 15, 2013.