

**NASSAU COUNTY INTERIM FINANCE AUTHORITY  
MINUTES OF THE MEETING OF THE DIRECTORS  
HELD ON NOVEMBER 5, 2003**

Pursuant to notice dated October 29, 2003, the Nassau County Interim Finance Authority (NIFA) was convened at 3:00 PM on the second floor of the Omni Building located in Uniondale, NY.

The following Directors of the Authority were present:

**Frank G. Zarb, Chairman  
Richard M. Kessel  
Martin Payson  
David Peirez  
Robert Smith  
Ronald Stack  
Robert Wallach**

Also representing the Authority was Richard Luke, Executive Director, Jeremy Wise, General Counsel, Carol Kostik, Chief Financial Officer, Evan Cohen, Deputy Director, Timothy Sullivan, Deputy Director, Jane Cunneen, Deputy Chief Financial Officer, and Laurie Leat, Corporate Secretary.

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

The Chairman entertained a motion to go into executive session to discuss

personnel issues.

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

Resolution No. 03-133

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

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**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 personnel matters.

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The open session of the Directors was temporarily adjourned and an executive session of the Directors was convened. At 3:10 PM the executive session was adjourned and the open session was reconvened. The Chairman stated that no votes or actions had been taken in the executive session.

Chairman Zarb stated that the first items on the agenda were resolutions to approve the minutes of the September 12, 2003 and October 8, 2003 Directors' meetings.

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

**Resolution No. 03-134**

**APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE SEPTEMBER 12, 2003 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY**

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**RESOLVED**, that the Minutes of the meeting of the Authority held on September, 2003, 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.

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**Resolution No. 03-135**

**APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE OCTOBER 8, 2003 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY**

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**RESOLVED**, that the Minutes of the meeting of the Authority held on October 8, 2003, 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.

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Chairman Zarb stated that the next item on the agenda was a resolution to approve the multi-year plan contingent upon the County coming back to NIFA with satisfactory language that reflects changes which have occurred during the

**Legislative approval process, within the next thirty days.**

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

**Resolution No. 03-136**

**RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE NASSAU COUNTY  
MULTI – YEAR FINANCIAL PLAN FOR FISCAL YEARS 2004 – 2007**

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**WHEREAS, on October 8, 2003 the Directors approved a report by staff entitled, “Review of Proposed Multi - Year Financial Plan For Fiscal Years 2004 - 2007” (the “Report”); and**

**WHEREAS, the Report was submitted to the County Executive, the majority and minority leaders of the Nassau County Legislature (“Legislature”), and other interested parties; and**

**WHEREAS, on October 27, 2003 the Legislature adopted the Fiscal Year 2004 Budget (“Budget”) and the Multi – Year Financial Plan for Fiscal Years 2003 - 2006 (“Financial Plan”), but indicated in their approval of the Financial Plan that it was to be “modified to be in accordance with the Nassau County Budget for Fiscal Year 2004” (the “Modified Financial Plan”); and**

**WHEREAS, the County Executive has signed and submitted the Budget together with other information required by the NIFA Act to NIFA, but not the Modified Financial Plan (collectively, the “Submission”); and**

**WHEREAS, the staff of NIFA has prepared a report dated as of November 5, 2003 concerning the Submission and said report has been submitted to and reviewed by the Directors.**

**NOW, THEREFORE, BE IT RESOLVED, that the Directors of the Nassau County Interim Finance Authority (“NIFA”) have reviewed the Submission and will accept it as being in compliance with the NIFA Act, but only if NIFA receives within thirty days from the adoption of this resolution, an acceptable Modified Financial Plan, together with a copy of the adopted Budget, a copy of the Budget by quarter, and cash flow statements; and be it further**

**RESOLVED**, that notwithstanding the foregoing, the County Executive shall submit to NIFA an update of the Modified Financial Plan for review no later than June 1, 2004; and be it further

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

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Mr. Luke stated that the next item on the agenda was a resolution authorizing the Chairman to take the appropriate actions to transfer the State aid money to the County when he deems appropriate.

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

**Resolution No. 03- 137**

**AUTHORIZATION TO RELEASE TRANSITIONAL STATE AID AND TO TAKE RELATED ACTIONS**

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**WHEREAS**, Pursuant to Chapter 50 of the Laws of 2003, the New York State Legislature has appropriated \$15 million to the credit of the local assistance account as a grant to the Nassau County Interim Finance Authority (the "Appropriation") and

**WHEREAS** the Directors hereby acknowledge that the County has complied with NIFA's standards for release of the Appropriation;

**NOW, THEREFORE, BE IT RESOLVED** that the materials presented to this meeting (the "Materials") are ordered to be filed with the records of the Authority; and be it further

**RESOLVED**, that in accordance with the Materials and the Nassau County Interim

**Finance Authority Act, the Chairman or his designee(s) are hereby authorized to take all actions deemed necessary to release the Appropriation to Nassau County and to take any related actions.**

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**Mr. Luke stated that the next item on the agenda was a resolution authorizing the establishment of an employee flexible spending account.**

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

**Resolution No. 03-138**

**AUTHORIZING TO ESTABLISH A FLEXIBLE SPENDING ACCOUNT PLAN FOR NIFA EMPLOYEES, TO HIRE A THIRD PARTY ADMINISTRATOR, AND TO TAKE RELATED ACTIONS**

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**RESOLVED, that the materials presented to the meeting of the Directors are hereby ordered to be filed with this resolution (the "Materials"); and be it further**

**RESOLVED, based upon said Materials, it is hereby determined by the Directors of the Nassau County Interim Finance Authority ("NIFA"), that NIFA shall offer to its employees one or more flexible spending account plans (collectively, "Flexible Spending Plans"); and be it further**

**RESOLVED, that the administrative cost of said Flexible Spending Plans shall not exceed \$2,000 per annum; and be it further**

**RESOLVED, that the Chairman or his designee(s) are hereby authorized to enter into one or more contracts with third party administrators for a term or terms not to exceed five years and to take all other actions deemed necessary or appropriate to implement the foregoing and related matters, including the execution and delivery of all documentation that is substantially in accordance with this resolution and the Materials.**

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**Chairman Zarb asked Mr. Luke to give his executive report.**

**Mr. Luke stated that the County released its third quarter report and is projecting a \$4.6 million surplus for 2003. He stated that the County has generated a lot of one-time resources that will be used in a way that provides some relief to FY04 and the out-years.**

**Mr. Luke stated that the County is planning to enter the credit market in December under its own credit and issue between \$100 million to \$150 million in Tax Anticipation Notes.**

**Mr. Luke stated that NIFA is still waiting for changes the County has made to the Plan of Finance to reflect the Sewer and Storm Water Finance Authority.**

**Mr. Luke stated that NIFA is interested in obtaining a reinvestment agent and will be advertising in the "State Contractor Reporter". He stated that before selecting the agent, he would come back and seek authorization from the Directors.**

**Chairman Zarb asked Mr. Luke to draft a letter to the County explaining NIFA's expectations regarding the Sewer and Storm Water Authority. He stated that he also wants a letter drafted explaining NIFA's resolution with respect to the multi-**

year plan.

Gary DelaRaba, President of Patrolmen's Benevolent Association, gave a presentation regarding the size of the police department. He stated that the police, detective and superior officers' unions are all greatly concerned with the public's safety in regard to the large number of officers that will be retiring and the small number of officers that the County is planning on hiring. He stated that the County legislature implied that it would be a good idea for him to tell this to NIFA since it looks at everything the County does. His statements were then reinforced by Tom Willdigg, president of the Detectives Association and Gary Learned, president of the Superior Officers Association.

Chairman Zarb instructed the NIFA staff to look at the information and come back to the Directors with an analysis.

Director Kessel requested that the NIFA staff get a briefing on the staffing report from the Police Commissioner which is due out in about a month.

Director Peirez stated that he appreciated all the comments from the police unions and will look at the report very carefully.

Chairman Zarb stated that his last day as NIFA's Chairman will be on

November 8<sup>th</sup>. He stated that the Governor has asked Ronald Stack to take over as Interim Chairman.

Chairman Zarb asked that both parties in the Legislature support the County Executive with the hospital study and help stabilize the situation.

Chairman Zarb complimented the NIFA staff on the great job they have done over the past three years.

Director Kessel stated that the last item on the agenda is a resolution of appreciation to Chairman Zarb for the extraordinary work that he has done at NIFA.

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

**Resolution No. 03-139**

**RESOLUTION OF APPRECIATION TO FRANK G. ZARB, CHAIRMAN OF THE  
NASSAU COUNTY INTERIM FINANCE AUTHORITY**

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**WHEREAS, in response to a deterioration in the financial condition of Nassau County, in June of 2000 Governor George Pataki and the New York State Legislature created the Nassau County Interim Finance Authority (“NIFA”) and immediately named Frank G. Zarb as its Chairman; and**

**WHEREAS, under the leadership of Frank G. Zarb, NIFA has achieved numerous milestones that have benefited Nassau County, including:**

**Providing over \$85 million of transitional State aid.**

**Providing budgetary relief through the restructuring of County debt to give the County the opportunity to implement actions necessary to move toward structural balance.**

**Saving in excess of \$73.6 million by issuing low cost debt on behalf of the County.**

**Improving County finances through new financial reporting requirements, which included reviewing and commenting on the County's four-year financial plans.**

**WHEREAS, Frank G. Zarb has presided over a Board comprised of seven members from diverse backgrounds and been able to achieve unanimous consensus on each and every proposal brought before the Board; and**

**WHEREAS, Frank G. Zarb has been able to attract and retain senior staff to carry out the mission of its Directors; and**

**WHEREAS, it is unanimously agreed that the County of Nassau is in a far better economic position than it was at the commencement of NIFA, in large part due to the unceasing efforts of Frank G. Zarb.**

**NOW, THEREFORE, BE IT RESOLVED THAT the Directors of NIFA, on behalf of themselves, the staff of NIFA, the people of Nassau County and the State of New York wish to express our appreciation to Frank G. Zarb for his leadership and wish him well in all his future endeavors.**

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**The Directors and staff of NIFA thanked Chairman Zarb for all he has done for NIFA.**

**The County Executive, the County Comptroller and the Legislature also thanked Chairman Zarb for all he has done to help the County.**

**The Chairman then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 3:47 PM.**

**Respectfully submitted,**

**Laurie A. Leat  
Corporate Secretary**