

AGENDA

NASSAU COUNTY INTERIM FINANCE AUTHORITY

DIRECTOR'S MEETING

SEPTEMBER 10, 2019

7:00 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 the Director's Meeting on May 23, 2019
- II. Approve Submission of NIFA's 2020 Budget and FY 2020 – FY 2023 Financial Plan to the Office of the State Comptroller and the Authorities Budget Office to Comply with 2 NYCRR, Part 203
- III. Adoption of Whistleblower Guidelines and the Taking of Related Actions
- IV. Consideration of County Contract for the Nassau Health Care Corporation
(*NIFA #194-19*)

Adjournment

DRAFT – SUBJECT TO REVIEW AND REVISION

NASSAU COUNTY INTERIM FINANCE AUTHORITY

MEETING OF THE DIRECTORS

MINUTES OF MAY 23, 2019

The Directors' Meeting of the Nassau County Interim Finance Authority was convened on May 23, 2019 at 7:38 PM at the Marriott Long Island Hotel & Conference Center located at 101 James Doolittle Blvd, Uniondale, NY, pursuant to legal notice given on May 16, 2019 and electronic notice posted on the Authority's website.

Directors present: Adam Barsky, Chairman
John Buran
Paul Leventhal
Christopher Wright
Howard Weitzman

Absent: Paul Annunziato
Lester Petracca

Staff present: 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 7:38 PM.

1. Approval of Minutes

Upon a motion made and seconded, the Directors approved the minutes from the meeting on April 23, 2019.

Positive votes: 5 Negative votes: 0

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLUTION NO.19-744

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE APRIL 23, 2019 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on April 23, 2019 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

The Directors were asked to acknowledge and accept the Audited Financial Statements, which were approved by the Audit and Internal Controls Committee just prior to the Directors' meeting.

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

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 19-745

RECEIPT AND ACCEPTANCE OF INDEPENDENT AUDITORS' REPORT ON THE AUTHORITY'S FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED DECEMBER 31, 2018

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, 2018 (the "Audit") presented at the May 23, 2019 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

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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 asked to approve the 2018 Annual Reports which was presented to and approved by the Audit and Internal Controls Committee just prior to this meeting.

A motion was made by Director Wright and seconded by Director Leventhal. The Directors approved the following resolution.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 19-746

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 2018 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, 2018 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

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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.

On a motion by Director Wright and seconded, the Directors approved the following resolutions numbered 19-747 to 19-750.

Positive votes: 5 Negative votes: 0

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

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

RESOLUTION NO. 19-747

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.

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

RESOLUTION NO. 19-748

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

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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. 19-749

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. 19-750

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. Consideration of County Contract for Commander Electric, Inc. (NIFA #97-19)

NIFA’s Deputy Director, Martha Worsham indicated that on March 11, 2019, the County Legislature approved the contract for services between the Nassau County Department of Public Works and the contractor. The principal features of the work under this contract include: replace outdated traffic signal control equipment with new, state of the art equipment and includes upgrades to pedestrian facilities and larger traffic signal faces.

Partial funding for this project was approved by NIFA at the meeting of November 27, 2018. Additionally, this contract is 80% reimbursable from Federal funding.

On a motion by Director Wright and seconded by Director Buran, the Directors approved the following resolution.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 19-751

CONSIDERATION OF COUNTY CONTRACT FOR COMMANDER ELECTRIC, 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 the County’s Contract for Commander Electric, Inc. in the amount of \$7,656,558.20; and be it further

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

9. Consideration of County Contract for Posillico Civil, Inc. (NIFA #116-19)

10. Consideration of County Contract for Posillico Civil, Inc. (NIFA #117-19)

11. Consideration of County Contract for Posillico Civil, Inc. (NIFA #118-19)

NIFA’s Deputy Director, Martha Worsham indicated that the next three contracts for Posillico Civil, Inc are for the same geographical area and further explained that on April 8, 2019, the County Legislature approved the contracts for services between the Nassau County Department of Public Works and the contractor. The principal features of the work under these contracts include: resurfacing of various County roads in the Towns of Hempstead and North Hempstead.

The funding would be entirely through borrowing and NIFA anticipates receiving a bonding request in the near future. Any bonding would require the approval from the NIFA Directors.

On a motion by Director Leventhal and seconded by Director Buran, the Directors approved the following three resolutions.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 19-752

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 the County’s Contract for Posillico Civil, Inc. in the amount of \$6,496,968; and be it further

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

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLUTION NO. 19-753

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. in the amount of \$5,247,886; and be it further

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

RESOLUTION NO. 19-754

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 the County’s Contract for Posillico Civil, Inc. in the amount of \$13,139,647.50; 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 borrowing for this project(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.

12. Consideration of County Contract for Pratt Brothers, Inc. (NIFA #100-19)

13. Consideration of County Contract for Pratt Brothers, Inc. (NIFA #101-19)

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NIFA’s Budget Director, Martha Worsham indicated that the next two contracts are for the same geographical area and that on April 8, 2019, the County Legislature approved the two contracts for services between the Nassau County Department of Public Works and the contractor. The principal features of the work under these contracts include: resurfacing of various County roads in the Towns of Hempstead and North Hempstead.

Ms. Worsham further explained that the funding would be entirely through borrowing and NIFA anticipates receiving a bonding request in the near future. Any bonding would require the approval from the NIFA Directors.

On a motion by Director Leventhal and seconded by Director Wright, the Directors approved the following two resolutions. Director Weitzman abstained.

Positive votes: 4 Negative votes: 0 Abstention: 1

RESOLUTION NO. 19-755

CONSIDERATION OF COUNTY CONTRACT FOR PRATT BROTHERS, 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 the County’s Contract for Pratt Brothers, Inc. in the amount of \$5,179,528.79; and be it further

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

RESOLUTION NO. 19-756

CONSIDERATION OF COUNTY CONTRACT FOR PRATT BROTHERS, 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

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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 Pratt Brothers, Inc. in the amount of \$4,986,579.29; and be it further

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

**14. Consideration of Issuance of General Obligation BANs by Nassau County
Adjournment**

The Directors were requested to approve/disapprove the County’s proposed issuance of BANs, subject to the terms and conditions outlined in the materials given to them at the meeting.

On a motion by Director Wright and seconded by Director Leventhal, the Directors approved the following resolution.

Positive votes: 5 Negative votes: 0

RESOLUTION NO. 19-757

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BOND ANTICIPATION
NOTES BY NASSAU COUNTY

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

RESOLVED, that based upon the discussions in the Materials and pursuant to Section 3669 2(e) of the Authority Act, the Authority has reviewed the terms of the County’s proposed issuance(s) of Bonds and BANs and approves the issuance of up to \$43,843,307.04 of BANs (plus cost of issuance) for the purposes described in the Materials (general capital projects) 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.

DRAFT – SUBJECT TO REVIEW AND REVISION

The Chairman made a motion to adjourn, which was seconded and affirmed. The Director's meeting was adjourned at 7:51 PM.

Respectfully submitted,

Kathleen Stella
Corporate Secretary

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

September 10, 2019

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: NIFA Budget and Multi-Year Financial Plan

REQUEST FOR: Approve Submission of NIFA's 2020 Budget and FY 2020 – FY 2023 Financial Plan to the Office of the State Comptroller and the Authorities Budget Office to Comply with 2 NYCRR, Part 203

Background:

Pursuant to the New York State Constitution and the Public Authorities Law, the State Comptroller adopted Regulation 2 NYCRR Part 203 “Budget and Financial Plan Format, Supporting Documentation and Monitoring – Public Authorities” (the “Regulations”). The Nassau County Interim Finance Authority (“NIFA”) has been deemed by the State Comptroller to be subject to the requirements of said Regulations.

Discussion:

As required by the Regulations, NIFA has prepared a Proposed Budget for FY 2020 (“Budget”) and a Proposed Financial Plan for FY 2020 – FY 2023 (“Plan”). They will be made available for public inspection and also posted on NIFA’s website (“Disclosed”), as required by the Regulations.

Requested Action:

The Directors are requested to review and conditionally approve the Budget and Plan so that they may be Disclosed and subsequently, if no negative comments from the public are received, officially filed with the State Comptroller and any other necessary parties. You are further requested to permit the Chairman of NIFA or his designees to take whatever additional actions are deemed necessary or appropriate to ensure compliance with the Regulations.

Attachments:

Resolution

Proposed Budget and Financial Plan for FY 2020 – FY 2023

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 19-759

APPROVE SUBMISSION OF NIFA'S 2020 BUDGET AND FY 2020 – FY 2023 FINANCIAL PLAN TO THE OFFICE OF THE STATE COMPTROLLER AND THE AUTHORITIES BUDGET OFFICE TO COMPLY WITH 2 NYCRR, PART 203 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 Authority acknowledges enactment of 2 NYCRR, Part 203 (the “Regulations”) and its requirement that the Directors of the Nassau County Interim Finance Authority receive, review and approve a proposed Budget for FY 2020 (“Budget”) and a proposed Financial Plan for FY 2020 – FY 2023 (“Plan”); and be it further

RESOLVED, that the Authority hereby conditionally approves the Budget and Plan subject to the conditions outlined in the Materials; 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 publish and file the Budget and Plan with the State Comptroller and any other necessary parties and 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.

September 10, 2019

NIFA
Proposed Budget and Multi-Year Plan
2020-2023

| | Adopted 2019 | Proposed 2020 | Proposed 2021 | Proposed 2022 | Proposed 2023 |
|---------------------------------------|---------------------|----------------------|----------------------|----------------------|----------------------|
| Revenues | | | | | |
| Sales Tax Retained | 2,474,000 | 1,999,000 | 2,009,000 | 2,024,000 | 2,074,000 |
| Interest Income | | | | | |
| Bond & Debt Service Accounts | | | | | |
| Operating Accounts | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 |
| Total Interest | | | | | |
| Total Revenues | 2,475,000 | 2,000,000 | 2,010,000 | 2,025,000 | 2,075,000 |
| Expenses | | | | | |
| NIFA Operating Expenses | | | | | |
| Salaries and Benefits | 1,379,780 | 1,367,161 | 1,428,259 | 1,491,888 | 1,559,672 |
| Furniture & Equipment | 17,000 | 17,000 | 17,000 | 17,000 | 17,000 |
| Rent | 121,081 | 124,836 | 128,233 | 131,703 | 135,319 |
| Telephone & Communications | 19,215 | 20,176 | 21,185 | 22,244 | 23,356 |
| Professional Fees | 782,080 | 307,404 | 244,741 | 191,500 | 169,275 |
| Insurance | 5,974 | 6,273 | 6,586 | 6,916 | 7,261 |
| Other | 49,870 | 57,150 | 63,996 | 63,750 | 63,116 |
| Total Operating | 2,375,000 | 1,900,000 | 1,910,000 | 1,925,000 | 1,975,000 |
| Control Period Expenses | | | | | |
| Total Control Period Expenses | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| Total Expenses | 2,475,000 | 2,000,000 | 2,010,000 | 2,025,000 | 2,075,000 |
| Revenues Over (Under) Expenses | - | 0 | 0 | 0 | 0 |

NIFA Budget and Financial Plan

2020-2023

As of July 30, 2019

1. **Accounting method:** The budget has been prepared in accordance with GAAP using the modified accrual basis of accounting.
2. **Assumptions and estimates used:** The two largest items in the budget are; 1) sales tax revenue, taken from Nassau County's Multi-Year Financial Plan Update for Fiscal Years 2019-2022; and 2) debt service, taken from the schedule of senior debt service provided in the NIFA Sales Tax Secured Bonds, Series 2015A Bond Offering Circular.
3. **Estimates of revenues:** The main source of NIFA revenue is Nassau County sales tax. This projection has been taken from Nassau County's Multi-Year Financial Plan Update for Fiscal Years 2019-2022.
4. **Estimates of personal service expenses:** The plan assumes that NIFA staffing levels will remain constant in accordance with guidance from the NIFA Employment and Compensation Committee. The budget assumes a 4% adjustment for salaries and an 7.3% increase in health insurance premiums in 2020 and beyond. NIFA participates in the NYS pension plan and NYSHIP health insurance program. Pension costs were projected based on guidance from the State Comptroller at 15.8% of participating salaries for 2020 through 2023. One employee has opted for the voluntary defined contribution plan and NIFA's contribution is currently set at 8% of the participant's salary. Salaries and fringe benefits were adjusted by 4% and 7.3%, respectively, in each year for 2020-2023.
5. **Estimates of non-personal service expenses:** Costs for office space, telephone, professional fees, and supplies were adjusted by a 5% growth factor for each successive year of the plan.
6. **Estimates of projected debt service expenditures:** Projections for NIFA debt was taken from the schedule of senior debt service provided in the NIFA Sales Tax Secured Bonds, Series 2015A Bond Offering Circular. Interest on variable rate bonds was calculated assuming that payments are equal to the receipts from the associated swaps.
7. **Cash budget and financial plan:** NIFA's budgetary expenditures are closely aligned with the timing of its cash flow. There are no material timing differences other than receipt of sales tax and GAAP rules for debt service, which is explained below in item 18.

8. **Explanation of relationship with units of government on whose behalf the authority was established:** NIFA was created in 2000 for the purpose of overseeing the fiscal turnaround of Nassau County, issuance and administration of debt on behalf of the County, issuance of reports on statutory findings based on the County's financial condition, and for the disbursement of State assistance.
9. **Description of budget process and key budget decisions:** The budget is created by the NIFA Treasurer and reviewed by its Executive Director and Audit and Internal Controls Committee. It is then approved by the NIFA Directors prior to the start of each fiscal year. Staffing level decisions are guided by recommendations of the NIFA Employment and Compensation Committee.
10. **Description of budget assumptions including revenue sources, staffing etc:** Revenues of the Authority ("Revenues") consist of sales tax revenues, defined as net collections from sales and compensating use taxes, penalties and interest authorized by the State and imposed by the County on the sale and use of tangible personal property and services in the County ("Sales Tax Revenues"), and investment earnings on money and investments on deposit in various Authority accounts. Sales Tax Revenues collected by the State Comptroller for transfer to the Authority are not subject to appropriation by the State or County. Revenues of the Authority that are not required to pay debt service, operating expenses and other costs of the Authority are payable to the County as frequently as practicable. Revenue numbers used in the budget have been taken from Nassau County's Updated Multi-Year Financial Plan for Fiscal Years 2019-2022.

Staffing has been kept at the level required to perform appropriate oversight of the County and covered organizations, including the Nassau County Health Care Corporation, Sewer and Storm Water Authority and Nassau Community College.

11. **Self assessment of budget risks:** NIFA has a perfected interest in the sales tax collections for Nassau County and receives remittances from the NYS Department of Taxation and Finance for the purpose of withholding debt service set-aside monies and expenses, prior to remittance to the County. NIFA's costs are closely monitored by its executive staff and its Directors. As a result, there is little budget risk to NIFA or its bond holders.
12. **Revised forecast of current year budget:** The current year projected results for core operating expenses are anticipated to be less than the adopted budget. The budget also includes funding for litigation costs that may be incurred from the Control Period that was imposed on Nassau County.
13. **Reconciliation that identifies all changes in estimates from projections in the previously approved budget:** There are no material revisions to the previously approved budget based on current projections.

14. **Statement of last year's fiscal actual performance:** The 2018 fiscal performance and 2019 projected results are in substantial conformity with its approved budget.
15. **Projections of number of employees, funding source, and functional classifications:** NIFA currently operates with 5 full-time employees. Positions are funded via withholding sales tax proceeds which are received on behalf of Nassau County. These are classified as general operating expenses in the budget and financial statement.
16. **Statement of revenue enhancing or cost reduction initiatives:** NIFA has maintained a lean staffing plan in light of its debt issuance and oversight responsibilities. NIFA has also taken steps to reduce expenditures for rent, telephone and communications, and other expenses.

The Authority oversees a \$3.1 billion County budget and has issued approximately \$4.0 billion of debt, including swap transactions, during the past 18 years. NIFA currently has outstanding approximately \$535.0 million in bonds, of which approximately \$314.8 million are in the variable rate mode.

17. **Statement on any non-recurring resource planned for use in any given year:** Not applicable- in the past NIFA issued bonds on behalf of the County based on their requirements, however, NIFA is not planning to issue any new debt as of this writing.
18. **Statement on transactions that shift resources from one year to another:** Under GAAP reporting rules, NIFA accrues two months of sales tax revenue receivable at each calendar year end which will be paid in January and February of the subsequent year by the NYS Department of Taxation and Finance. However, also as per GAAP rules, NIFA accrues 12 months of debt service payments as a current liability. As a result, there is always a negative balance of current assets net of current liabilities, which directly results from this reporting timing difference. It should be noted that NIFA still has all funds required for its annual May 15 interest payment and annual November 15 principal and interest payments, under this scenario.
19. **Statement on borrowed debt outstanding at year end, planned issuances, assumed interest rates, debt service as a percentage of pledged revenue:** The final maturity of the outstanding bonds is November 15, 2025. NIFA's statute requires it to remain in existence until all of its bonds have been paid or are no longer outstanding. No new debt is authorized in the NIFA Act except to refund existing debt. NIFA's debt program was initiated in FY 2000 and continued successfully in 2015. The outstanding debt of \$535.5 million is comprised of \$220,654,000 of conventional fixed rate debt, and \$314,825,000 of synthetic fixed rate debt. Total estimated debt service to maturity was \$598,826,000 as of December 31, 2018. NIFA does not have any notes outstanding.

20. **Statement on capital budget plan:** not applicable

21. **Statement from COO on reasonableness of assumptions and estimates:**

I confirm, to the best of my knowledge and belief, the following representations made to you in this financial plan are fairly presented in conformity with accounting principles generally accepted in the United States of America. To the best of my knowledge and belief, after reasonable inquiry, the plan is based on reasonable assumptions and methods of estimation and that all regulations have been satisfied.

Carl A. Dreyer, Treasurer

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

September 10, 2019

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Whistleblower Guidelines

REQUEST FOR: Adoption of Whistleblower Guidelines and the Taking of Related Actions

Background 2986

Pursuant to New York State Public Authorities Law, Sections 2986, NIFA has been directed to adopt Whistleblower Guidelines.

Requested Action

Review and approval of the attached Guidelines and the taking of related actions.

Attachments:

Resolution

Nassau County Interim Finance Authority Whistleblower Guidelines

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 19-760

ADOPTION OF WHISTLEBLOWER 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 Whistleblower Guidelines annexed to the Materials, are hereby 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.

September 10, 2019

NIFA WHISTLEBLOWER POLICY AND PROCEDURES

It is the policy of the Nassau County Interim Finance Authority (the “Authority”) to discourage and eliminate illegal or unethical activity, including but not limited to corruption, fraud, criminal activity, abuse and conflict of interest by Members/Directors, Officers or employees of the Authority or any person having business dealings with the Authority. This policy is intended to encourage and enable employees to raise concerns in good faith within the Authority and without fear of retaliation or adverse employment action.

REPORTING ILLEGAL OR UNETHICAL ACTIVITY Employees discovering or otherwise obtaining information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or Member/Director with respect to investments, travel, the acquisition of real property, the disposition of real and personal property, and the procurement of goods and services shall promptly report such activity, orally or in writing, to one or both of the following: the Authority’s Executive Director or General Counsel. Such activity shall specifically include, without limitation, wrongdoing, misconduct, malfeasance, conflict of interest, waste, intentional reporting of false or misleading information, or abuse of authority that relates to the Authority, or other inappropriate behavior with respect to accounting, internal accounting controls or accounting audit matters. The Authority’s Executive Director and General Counsel shall be notified of any report of illegal or unethical activity received by him/her, whether written or oral, unless another Authority Officer is designated by the Audit and Internal Controls Committee (“Audit Committee”) to receive such notification. An employee reporting to the Authority pursuant to this policy may do so orally or in writing and may do so confidentially or anonymously. While the Authority cannot ensure the confidentiality of such reporting, it will attempt to maintain confidentiality and anonymity as much as reasonably possible. Should an employee believe in good faith that disclosing information within the Authority would likely subject him or her to adverse personnel action or be wholly ineffective, the employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The Authorities Budget Office toll free number (1-800-560-1770) should be used in such circumstances.

INVESTIGATION OF CLAIMS OF ILLEGAL OR UNETHICAL ACTIVITY All reporting of alleged illegal or unethical activity or matters involving compliance with laws, regulations and internal procedures, including without limitation, substantive complaints with respect to accounting, internal accounting controls or accounting audit matters, shall be thoroughly and promptly investigated. Unless otherwise directed by the Audit Committee based on a finding of special circumstances, all investigations conducted by the Authority in accordance with these practices and procedures shall be conducted under the direction and supervision of the

Authority's General Counsel who may utilize any of the following to assist with investigations, as needed: the Agency Ethics Officer, the Department of Human Resources, internal or external auditors and/or outside counsel. Investigations shall be conducted in a timely and reasonable manner, which may include referring information to the Authorities Budget Office or an appropriate law enforcement agency. Unless otherwise directed by the Audit Committee, reported allegations of illegal or unethical activity, which have been referred directly to the State Inspector General's Office, the Authorities Budget Office or other outside governmental authority shall be investigated by the office to which referred, unless referred back to the Authority for investigation. Unless otherwise directed by the Audit Committee or the General Counsel shall serve as liaison with such outside governmental authority with respect to their investigations, including the handling of communications, information requests and any draft reports.

REPORTING The findings of investigations conducted by the Authority shall, as appropriate, be set forth in a written report which shall include findings of fact, conclusions and recommendations (the "Report "). The Authority's General Counsel (or other(s) designated by the Audit Committee) shall, as may be appropriate, provide the Audit Committee with completed Reports prepared under his/her supervision. All investigative reports received by the Authority from an outside governmental authority shall be referred to the Audit Committee. All Reports prepared by outside third parties, including outside counsel, shall be directed to the Audit Committee. Periodically, the General Counsel shall provide a written summary to the Audit Committee setting forth the status of pending matters under investigation pursuant to these practices and procedures, including all claims of whistleblower retaliation, as well as disposition of matters since the last report.

NO RETALIATION OR INTERFERENCE It is the policy of the Authority that an employee disclosing information concerning wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or Member/Director with respect to investments, travel, the acquisition of real property and the disposition of real and personal property and the procurement of goods and services that the employee reasonably believes to be true and reasonably believes to be a violation of a law, rule, regulation or policy shall not suffer reprisal, retaliation or punitive action by the Authority or their respective employees. It is a violation of this policy to retaliate or take wrongful punitive action against any employee for the good faith reporting of such alleged activity ("Protected Whistleblower Reporting "). Retaliation and wrongful punitive action can also be a violation of a variety of state and federal laws depending on the facts and circumstances. In particular, New York State law provides that a public employer shall not dismiss or take other disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee discloses to a governmental body information: (i) regarding a violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper

governmental action. Retaliation and wrongful punitive action can include both adverse employment actions, such as termination from employment and demotion, and the creation of a hostile work environment. Employees who retaliate or take wrongful punitive action against an employee for “good faith” disclosure of the above-described information, or who attempt to interfere with any individual by improper means aimed at deterring disclosure of potential wrongdoing, shall be subject to disciplinary action, up to and including termination from employment.

REPORTING AND INVESTIGATION OF WHISTLEBLOWER RETALIATION CLAIMS

Employees who believe that they or another employee has been the subject of illegal retaliation or wrongful punitive action as a result of Protected Whistleblower Reporting should report the same orally or in writing in the manner described above as to initial reports of illegal or unethical conduct. All allegations of retaliation or punitive action will be fully investigated by the Authority in the same manner as set forth above for investigation of claims of illegal or unethical activity. Any allegation of retaliation or interference will be taken and treated seriously, and irrespective of the outcome of the initial complaint, will be treated as a separate matter. Aggrieved employees may also have rights to pursue claims of illegal retaliation action under state and federal laws prohibiting retaliation for the reporting of illegal or unethical activity.

ABUSE OF PRACTICES AND PROCEDURES/ MERITLESS CLAIMS This policy protects those making “good faith” reports. For the purposes of this policy, reports concerning potential wrongdoing will be considered “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing. However, it shall be a violation of this policy for any employee to report or disclose information covered by this procedure that the employee knows or reasonably should know to be untrue, unfounded or misleading or for which there is no basis for the claim reported in law, rule, regulation or policy.

DISCIPLINARY ACTION Disciplinary action brought under these practices and procedures shall be subject to all, laws and regulations applicable to the employee against whom disciplinary action is being taken for alleged violations of these practices and procedures.

OTHER LEGAL RIGHTS NOT IMPAIRED The Authority’s Whistleblower Policy and Procedures are not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse action. Specifically, these Whistleblower Policy and Procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York, including but not limited to the following provisions: Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the “False Claims Act”), and

Executive Law § 55 (1). With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any employee who wishes to preserve such rights shall, prior to disclosing information to a government body, have made a good faith effort to provide the Authority or its designee, the information to be disclosed and shall provide the Authority or its designee, a reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety. (See Civil Service Law § 75-b(2)(b); Labor Law § 740(3).)

RECORD RETENTION AND ADMINISTRATION Unless otherwise directed by the Audit Committee, all information obtained and work product prepared pursuant to this practice and procedure, including but not limited to reports, statements, physical evidence, memos and notes shall be maintained by the Authority in separate and secure files maintained and administered by the Authority's General Counsel.

RECUSAL In the event it becomes necessary for Members/Directors, officers or employees to recuse themselves from responsibilities assigned to them under these practices and procedures, these practices and procedures shall be administered with such reasonable adjustments as are necessary in furtherance of their purpose.

APPLICABILITY The practices and procedures herein shall apply to all employees, part-time employees, seasonal employees, temporary employees, officers, Members, Directors and interns of the Authority and the term "employee" for the purposes of these practices and procedure, shall include all of the foregoing positions.

AUDIT COMMITTEE RESPONSIBILITIES In appropriate cases, information regarding whistleblower reports shall be referred immediately by the Authority's General Counsel (or other authorized Officer) to the Audit Committee. Such information shall be reviewed by the Audit Committee and/or referred by the Audit Committee for review and investigation in the manner provided by this policy. The Audit Committee shall take appropriate action upon each completed written Report forwarded to it pursuant to these practices and procedures. Appropriate action may include referral to an outside governmental or law enforcement agency; referral to the Members/Directors for recommended action requiring Member/Director approval; or referral to the Executive Director for recommended disciplinary or administrative action. Periodically, the Audit Committee, in consultation with the Authority's General Counsel, shall provide a written summary to the Authority's Members/Directors for the period setting forth the status of pending matters reported pursuant to these practices and procedures, including all claims of whistleblower retaliation, as well as disposition of matters since the last report.

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

September 10, 2019

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Nassau Health Care Corporation.

REQUEST FOR: Consideration of County Contract for the Nassau Health Care Corporation
- (NIFA #194-19)

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 August 8, 2019, the County submitted a proposed contract with the Nassau Healthcare Corporation. ("NHCC") to NIFA for approval.

After reviewing response to a Request for Expression of Interest, the County concluded that the best interest of the County would be served by entering into a new Contract with NHCC. In order to allow time to negotiate a new long-term contract with the NHCC, the County has proposed extending its existing contract for an additional six months at a total of \$10,500,000.

Discussion:

On July 15, 2019, the County Legislature approved the contract for services between the Nassau County Correctional Center and NHCC. The principal features of the work under this contract include: medical, mental health, dental and ancillary services to the inmates in the custody of the Nassau County Correctional Center.

The funding will be entirely through the operating budget.

Requested Action:

You are requested to consider the County's Contract with Nassau Health Care Corporation.

Attachments:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 19-761

CONSIDERATION OF COUNTY CONTRACT FOR THE NASSAU HEALTH CARE 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 the Nassau Health Care Corporation in the amount of \$10,500,000; and be it further

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

September 10, 2019