

AGENDA

**NASSAU COUNTY INTERIM FINANCE AUTHORITY
WEDNESDAY, JULY 1, 2015, 5:30 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 May 8, 2015 Meeting
- II. Adoption of Revised Guidelines for the Review of Nassau County Contracts
- III. Consideration of County Contract for J. Anthony Enterprises, Inc.
- IV. Consideration of Contracts from the County Attorney's Office

Adjournment

DRAFT – SUBJECT TO REVIEW AND REVISION

NASSAU COUNTY INTERIM FINANCE AUTHORITY
MEETING OF THE DIRECTORS
MINUTES OF MAY 8, 2015

The Directors of the Nassau County Interim Finance Authority met on May 8, 2015 at 5:30 PM at the Marriott Long Island Hotel & Conference Center located at 101 James Doolittle Blvd, Uniondale, NY 11553.

Directors present: Jon Kaiman, Chairman
Paul Annunziato
John Buran
Paul Leventhal
Lester Petracca
Christopher Wright

Directors absent: Dermond Thomas

Staff present: Evan Cohen, Executive Director
Jeremy Wise, General Counsel
Carl Dreyer, Treasurer
Maria Kwiatkowski, Deputy Director

1. Call to Order/Roll Call

The meeting was called to order at 6:14 PM.

2. Approval of Minutes

On a motion by Director Wright, the Directors approved the minutes from the meeting on March 23, 2015.

Positive votes: 6 Negative votes: 0

Resolution No. 14-552

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE MARCH 23, 2015 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on March 23, 2015 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.

* * *

3. Consideration of General Obligation Bonds by Nassau County

DRAFT – SUBJECT TO REVIEW AND REVISION

The bonding request is for \$60 million for tax certiorari related claims and judgments.

On a motion by Director Leventhal, the Directors approved the bonding request for tax certiorari in the amount of \$60 million.

Positive votes: 5 Negative votes: 1 (Director Wright)

Resolution No. 15-564-A

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION 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(s) of bonds and approves the issuance of up to:
\$60,000,000 in bonds (plus costs of issuance) for the purposes described in Attachment A (Tax Certiorari) in the Materials;

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

* * *

4. Consideration of General Obligation Bonds by Nassau County

The bonding request is for Superstorm Sandy Assessment Relief in the amount of \$3,784,555, some or all of which may be reimbursable by Federal Community Development Block Grant funding.

On a motion by Director Petracca, the Directors approved the bonding request for Superstorm Sandy Assessment Relief in the amount of \$3,784,555

Positive votes: 4 Negative votes: 0 Recusal: 2 (Chairman Kaiman, Director Buran)

Resolution No. 15-564-B

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BONDS BY NASSAU COUNTY

DRAFT – SUBJECT TO REVIEW AND REVISION

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 approves the issuance of up to \$3,784,555 in bonds, including costs of issuance, for the purposes described in Attachment C (Superstorm Sandy Assessment Relief) in the Materials 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.

* * *

5. Consideration of Nassau County Financing Through the Environmental Facilities Corporation

The County would like to participate in an Environmental Facilities Corporation refinancing initiative on behalf of municipalities that have funded projects through the State Clean Water and Drinking Water Revolving Funds. The amount of the County’s share of the financing is \$1,220,000, which is projected to save the County approximately \$36,688.

On a motion by Director Leventhal, the Directors approved the financing request in the amount of \$1,220,000.

Positive votes: 6 Negative votes: 0

Resolution No. 15-565-A

CONSIDERATION OF NASSAU COUNTY FINANCING THROUGH THE ENVIRONMENTAL FACILITIES CORPORATION

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 financings through the N.Y. State Environmental Facilities Corporation (the “EFC”) and approves:

DRAFT – SUBJECT TO REVIEW AND REVISION

- (i) The County’s participation in the refinancing of \$1,220,000 of the EFC’s Clean Water and Drinking Water State Revolving Funds, 2005A for the purposes described in Attachments A and B in the Materials;
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.

* * *

6. Consideration of Nassau County Financing Through the Environmental Facilities Corporation

The County would like to participate in an EFC financing in the amount of \$29,976,542 to help fund project related loans associated with improvements to the Whitewood Pump Station located in the Massapequa Park Collection District.

On a motion by Director Leventhal, the Directors approved the financing request in the amount of \$29,976,542.

Positive votes: 6 Negative votes: 0

Resolution No. 15-565-B

CONSIDERATION OF NASSAU COUNTY FINANCING THROUGH THE ENVIRONMENTAL FACILITIES CORPORATION

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 financings through the N.Y. State Environmental Facilities Corporation (the “EFC”) and approves:

- (i) \$29,976,542 of new money financing through the EFC for the purposes described in Attachment C in the Materials;
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.

* * *

7. Consideration of Approval of Issuance of Revenue Anticipation Notes by Nassau County

The County would like to issue Revenue Anticipation Notes for \$180,000,000 which would yield just over \$182,000,000 in proceeds.

On a motion by Director Wright, the Directors approved the financing request in the amount of \$180,000,000.

Positive votes: 6 Negative votes: 0

Resolution No. 15-566

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 \$180 million of Revenue Anticipation Notes, Series 2015A, upon the terms and conditions outlined in the Materials, and subject to the final review and approval of the Chairman of the Authority or his designee(s); and be it further

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

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

* * *

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

Acceptance of the Audited Financial Statements, which were approved by the Audit and Internal Control Committee just prior to this meeting.

On a motion by Director Wright, the Directors approved the acceptance of NIFA’s Audited Financial Statements.

Positive votes: 6 Negative votes: 0

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution No. 15-553

RECEIPT AND ACCEPTANCE OF INDEPENDENT AUDITORS' REPORT ON THE AUTHORITY'S FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED DECEMBER 31, 2014

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 McGladrey LLP Independent Auditors' Report on NIFA's Financial Statements for the Year Ended December 31, 2014 (the "Audit") presented at the May 8, 2015 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 McGladrey LLP, NIFA's independent auditors; and be it further

RESOLVED, that this resolution shall take effect immediately.

* * *

9. 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

NIFA's 2014 Annual Report was presented to and approved by the Audit and Internal Control Committee just prior to this meeting.

On a motion by Director Wright, the Directors approved NIFA's 2014 Annual Report and attachments.

Positive votes: 6 Negative votes: 0

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution No. 15-554

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 2014 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, 2014 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.

* * *

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

The Investment Guidelines were presented to and approved for re-adoption with no new changes by the Audit and Internal Control Committee just prior to this meeting.

On a motion by Director Wright, the Directors re-adopted the Investment Guidelines.

Positive votes: 6 Negative votes: 0

Resolution No. 15-555

DRAFT – SUBJECT TO REVIEW AND REVISION

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.

* * *

11. Consideration of Amending Procurement Guidelines

On a motion by Director Wright, the Directors amended the Procurement Guidelines to increase the amount of a contract subject to the Guidelines to \$25,000 to be consistent with State guidelines.

Positive votes: 6 Negative votes: 0

12. Consideration of Re-adoption of Amended Procurement Guidelines

On a motion by Director Wright, the Directors re-adopted as amended the Procurement Guidelines, which increased the amount of a contract subject to the Guidelines to \$25,000 to be consistent with State guidelines.

Positive votes: 6 Negative votes: 0

Resolution No. 15-556

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,” as amended, (the “Procurement Guidelines”), which are annexed to the Materials, are hereby re-adopted as amended; and be it further

DRAFT – SUBJECT TO REVIEW AND REVISION

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.

* * *

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

The Guidelines need to be reviewed and approved annually by the Directors. No new changes are recommended at this time and there were no property disposition contracts to report.

On a motion by Director Leventhal, the Directors approved the Property Disposition Contract Guidelines.

Positive votes: 6 Negative votes: 0

Resolution No. 15-557

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.

* * *

DRAFT – SUBJECT TO REVIEW AND REVISION

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

The Code of Ethics needs to be reviewed and approved annually by the Directors. No new changes were recommended at this time.

On a motion by Director Leventhal, the Directors approved the Property Disposition Contract Guidelines.

Positive votes: 6 Negative votes: 0

Resolution No. 15-558

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.

* * *

15. Authorization to Delegate Certain Powers to the Chair of NIFA regarding Auction Rate Securities

It was requested that the Chair or his designees be delegated the authority to act on behalf of the Directors to pursue recoveries from the four defendants including, but not limited to the ability to make strategic decisions and accept or reject potential settlement offers.

On a motion by Director Leventhal, the Directors delegated certain powers to the Chairman as stated in the resolution below.

Positive votes: 6 Negative votes: 0

Resolution No. 14-559

AUTHORIZATION TO DELEGATE CERTAIN POWERS TO THE CHAIR OF NIFA

DRAFT – SUBJECT TO REVIEW AND REVISION

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

RESOLVED, that based upon the Materials presented to this meeting, the Directors hereby delegate to the Chairman or his designees the authority to act on behalf of the Directors to pursue recoveries from the four defendants including, but not limited to the ability to make strategic decisions and accept or reject potential settlement offers.

* * *

16. Authorization to Employ a Media Consultant and to Take Related Actions

The Directors were requested to authorize the Chairman to negotiate with Zimmerman Edelson to arrive at a fee schedule and scope of services that meet the short term needs of the Authority, while simultaneously exploring with staff the possibility of issuing an RFP for long term services. The Chairman or his designees shall have the authority to negotiate and execute an agreement that meets the requirements outlined in these materials.

On a motion by Director Petracca, the Directors authorized the Chairman to negotiate a fee schedule and scope of services with Zimmerman Edelson.

Positive votes: 6 Negative votes: 0

Resolution No. 14-560

AUTHORIZATION TO EMPLOY A MEDIA CONSULTANT AND TO TAKE RELATED ACTIONS

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

RESOLVED, that the need for a media consultant to assist in rapidly evolving issues that currently impact the Authority, is deemed an emergency that requires immediate attention; 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 employ a media consultant for the Authority and to take any related actions.

* * *

17. Consideration of County Contract for CH2M Hill Engineering, P.A.

The contract is for \$13,833,370 and it is to provide construction management services for the Bay Park STP Electrical Distribution System. The County has indicated that this contract is eligible for 100% reimbursement from FEMA funds, therefore, the Chairman has recused himself from this vote. However, if any portion of this reimbursement were not made, the County would either have to provide the funding from operating funds or from capital. In the event of the latter, this borrowing would need approval from the Nassau County Legislature and by NIFA.

On a motion by Director Buran, the Directors approved the contract with CH2M Hill Engineering, P.A. in the amount of \$13,833,370.

Positive votes: 5 Negative votes: 0 Recusal: 1

Resolution No. 15- 561

CONSIDERATION OF COUNTY CONTRACT FOR CH2M HILL ENGINEERING, P.A.

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, CH2M Hill Engineering, P.A. which is projected to cost \$13,833,370; 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.

* * *

18. Consideration of County Attorney Contracts

One County Attorney contract for \$50,000 with Meyer, Suozzi, English & Klein, P.C. was being considered for approval. Confidential material related to litigation was sent under separate cover.

On a motion by Director Wright, the Directors approved the contract.

Positive votes: 6 Negative votes: 0

DRAFT – SUBJECT TO REVIEW AND REVISION

Resolution No. 14-563

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 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 contract numbered CQAT14000035 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.

* * *

19. Consideration to Change the Charter of the Finance Committee

General Counsel Wise requested that NIFA amend the charter of the Finance Committee to allow for two affirmative votes to pass an item.

On a motion by Director Annunziata, the Directors changed the charter of the Finance Committee to allow for two affirmative votes to pass an item.

Positive votes: 6 Negative votes: 0

Resolution No. 15-565

AMENDMENT TO THE CHARTER OF THE FINANCE COMMITTEE

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLVED, that an affirmative vote of at least 2 members of the Finance Committee shall be required to pass any item presented to the Committee for consideration.

On a motion by Director Wright, NIFA Board meeting was recessed at 6:35 so that a re-vote on the General Obligation Bonds can be taken by the Finance Committee

21. NIFA Board meeting was reconvened at 6:38 PM.

22. A re-vote was taken on the following agenda item.

Consideration of General Obligation Bonds by Nassau County

The bonding request is for Superstorm Sandy Assessment Relief in the amount of \$3,784,555.

On a motion by Director Petracca, the Directors approved the bonding request for Superstorm Sandy Assessment Relief in the amount of \$3,784,555

Positive votes: 4 Negative votes: 0 Recusal: 2 (Chairman Kaiman, Director Buran)

Resolution No. 15-564-B

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION 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(s) of bonds and approves the issuance of up to \$3,784,555 in bonds, including costs of issuance, for the purposes described in Attachment C (Superstorm Sandy Assessment Relief) in the Materials 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.

* * *

23. Adjournment

DRAFT – SUBJECT TO REVIEW AND REVISION

The Chairman made a motion to adjourn. The meeting was adjourned at 6:45. PM.

Respectfully submitted,

Laurie A. Boucher
Corporate Secretary

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 1, 2015

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Nassau County Contracts

REQUEST FOR: Adoption of Revised Guidelines for the Review of Nassau County Contracts

Background

Section 3669 of the NIFA Act requires that during a control period all contracts entered into by the County or any Covered Organization must comply with the requirements of the financial plan approved by the Authority. Furthermore, NIFA must approve any contract or other obligation which NIFA determines to be subject to review under NIFA's guidelines.

Discussion

On March 24, 2011 NIFA approved contract guidelines ("Guidelines") and forwarded those Guidelines to the County for implementation. In summary the Guidelines held as follows:

1. Staff shall approve all contracts over \$50,000, but less than \$500,000.
2. Staff shall submit any contract in the amounts between \$500,000 and under \$5,000,000 to the Chairman or such other Director(s) as he may delegate, for approval.
3. Staff shall submit all contracts over \$5,000,000 to the entire Board of Directors, for approval.

On July 14, 2011, the adopted Guidelines were amended to allow certain contracts to be "exempt from review as follows:

- Emergency contracts (upon prior oral notice to NIFA).
- Contract Advisements and "cent" contracts within specific parameters.
- Electronic purchase orders and blanket purchase orders, unless they are for personal service contracts of \$50,000 or greater.

On November 24, 2014, the adopted Guidelines were amended to allow grant contracts that are fully (100%) funded by third party sources (e.g., Federal grant funding) to be “exempt” from review.

Staff is now recommending an additional change to the amended Guidelines which we believe will advance the interests of both NIFA and the County.

The changes that we are proposing are consistent with the intent of the NIFA statute; namely, to assist the County in managing expenses by ensuring that its proposed expenditures are consistent with its adopted financial plan. Therefore, we suggest that the following amendment be provided within the current NIFA Contract Review Guidelines:

The County will send to NIFA for its review and written approval any contract “change order” that amends a current County contract to incur extra work for an amount that individually or cumulatively exceeds 10% of the original contract amount. The change order is subject to the same emergency provisions, review thresholds and other specified guidelines already provided within the NIFA Contract Review Guidelines.

Requested Action

Approval of the recommendations outlined in this memo, together with authorization for staff to do all things deemed necessary or appropriate to carry out the intent of these materials and the accompanying resolution.

Attachments:

Resolution

Contract Approval Guidelines

Contract Approval Request Form

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 15-567

**ADOPTION OF REVISED GUIDELINES FOR THE REVIEW OF NASSAU COUNTY
CONTRACTS AND THE TAKING OF RELATED ACTIONS**

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 are incorporated into this Resolution by reference; and be it further

RESOLVED, that the Authority hereby approves the staff recommendations in the Materials, which provide for the provisions of review of County contract “change orders” of the Authority; and be it further

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

Jon Kaiman
Chairperson

July 1, 2015

Contract Approval Guidelines

Section 3669 of the NIFA Act requires that during a control period all contracts entered into by the County or any Covered Organization must comply with the requirements of the financial plan approved by the Authority. Therefore, the following parameters and guidelines have been adopted by the NIFA Directors and are to be met in order for the County to be in compliance with NIFA's Contract Review Process.

County Funds Subject to Review

NIFA's review will include the following funds/entities:

Major Funds:

General Fund
Police District Fund
Police Headquarters Fund
Fire Commission Fund
County Parks & Recreation Fund

Other Funds/Entities:

Capital Improvement Fund
Red Light Camera Fund
Sewer & Storm Water District Fund
Sewer & Storm Water Finance Authority
Public Utility Authority
Grant Fund

County Funds/Entities Exempt from Review

All Covered Organizations

Threshold Dollar Amount \geq \$50,000

The NIFA enabling legislation does not establish a dollar threshold for contract review under the control period. The minimum dollar threshold for contract review required will be equal to or greater than \$50,000. We also require that when the aggregate of contracts issued to a particular vendor for the provision of similar services is equal to or greater than \$50,000 in any 12 month period they be submitted for review even if each individual contract is less than \$50,000.

County Contract Change Orders

The County will send to NIFA for its review and written approval any contract "change order" that amends a current County contract to incur extra work for an amount that individually or cumulatively exceeds 10% of the original contract amount. The change order is subject to the same emergency provisions, review thresholds and other specified guidelines already provided within these NIFA Contract Review Guidelines.

Contracts Excluded

Contracts that are Fully (100%) Funded by Grant Sources

There are contracts that receive 100% funding from a third party (i.e. Federal or New York State government) and may include more than one grant funding source. These contracts provide vital

services such as but not limited to day care, physical therapy and housing services. Many of these contracts are time-sensitive in that the County has to execute the contracts by a certain date or the third party will withdraw the funding. Therefore, the contracts that are excluded from NIFA review are those contracts entered into with vendors who will be paid entirely with grant funding and do not include any portion that is funded by the County's own operating fund. This exclusion includes the provision that NIFA will receive a monthly report of all 100% grant excluded contracts so that we can continue to monitor the grant contract process regarding expenditures, service categories and vendors providing services.

Emergency Contracts

There are occasions when the County must act immediately to address issues of public health or safety. Under these circumstances the County Executive ("CE") or his designee issues a Notice of Emergency to the Chair of NIFA or his designee and will enter into the emergency contract having received verbal approval. As soon thereafter as is practicable, the CE or his designee submits the formal contract to NIFA for approval.

Contract Adviselements and "Cent Contracts

A Contract Adviselement is a request to encumber additional funds under an existing contract. A "cent" contract is a contract that is put into the system with a cent amount (e.g. .02¢) to enable claims to be made against it as they are received. These types of contracts are exempt from the NIFA review process under the following circumstances:

1. The Contract Adviselement/cent contract is not increasing the amount of the original or previously amended and approved contract.
2. The Contract Adviselement/cent contract is not increasing the monetary amount of the contract, but is processed to: amend; add a line item to the scope; or extend a contract for an additional time period.

Purchase Orders/Blanket Purchase Orders

Purchase orders and blanket orders are normally used for general County-wide and equipment expenses (e.g. office supplies, fuel). Only a purchase or blanket order that is both encumbered against the contractual line and is for the purchase of personal services must be sent to NIFA for review if it meets the \$50,000 threshold amount.

Supporting Documentation and Analysis

Pursuant to the Act, the documentation must include "an analysis of the projected costs of such contract or other obligation and certification that performance thereof will be in accordance with the financial plan" and the County must also respond to queries or requests for additional information that NIFA may prescribe.

The NIFA Board and staff will also require, as a condition precedent to our review and approval, that the County complete a Contract Approval Request Form (attached). Among other requirements the form will require the County to certify that that contract process has been legally followed and that the contract conforms to the multi-year financial plan.

NIFA Staff Review, Approval and Disapproval

Contracts will only be submitted to NIFA for approval upon completion of the County's internal approval process.



Nassau County Interim Finance Authority

Contract Approval Request Form (As of January 1, 2015)

1. Vendor: _____

2. Dollar amount requiring NIFA approval: \$ _____

Amount to be encumbered: \$ _____

This is a _____ New Contract _____ Advisement _____ Amendment

If new contract - \$ amount should be full amount of contract

If advisement – NIFA only needs to review if it is increasing funds above the amount previously approved by NIFA

If amendment - \$ amount should be full amount of amendment only

3. Contract Term: _____

Has work or services on this contract commenced? _____ Yes _____ No

If yes, please explain: _____

4. Funding Source:

_____ General Fund (GEN) _____ Grant Fund (GRT)
_____ Capital Improvement Fund (CAP) Federal % _____
_____ Other State % _____
County % _____

Is the cash available for the full amount of the contract? _____ Yes _____ No

If not, will it require a future borrowing? _____ Yes _____ No

Has the County Legislature approved the borrowing? _____ Yes _____ No _____ N/A

Has NIFA approved the borrowing for this contract? _____ Yes _____ No _____ N/A

5. Provide a brief description (4 to 5 sentences) of the item for which this approval is requested:

6. Has the item requested herein followed all proper procedures and thereby approved by the:

Nassau County Attorney as to form _____ Yes _____ No _____ N/A
Nassau County Committee and/or Legislature _____ Yes _____ No _____ N/A

Date of approval(s) and citation to the resolution where approval for this item was provided:

7. Identify all contracts (with dollar amounts) with this or an affiliated party within the prior 12 months:

AUTHORIZATION

To the best of my knowledge, I hereby certify that the information contained in this Contract Approval Request Form and any additional information submitted in connection with this request is true and accurate and that all expenditures that will be made in reliance on this authorization are in conformance with the Nassau County Approved Budget and not in conflict with the Nassau County Multi-Year Financial Plan. I understand that NIFA will rely upon this information in its official deliberations.

Signature	Title	Date
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Print Name _____

COMPTROLLER'S OFFICE

To the best of my knowledge, I hereby certify that the information listed is true and accurate and is in conformance with the Nassau County Approved Budget and not in conflict with the Nassau County Multi-Year Financial Plan.

Regarding funding, please check the correct response:

_____ I certify that the funds are available to be encumbered pending NIFA approval of this contract.

If this is a capital project:

_____ I certify that the bonding for this contract has been approved by NIFA.

_____ Budget is available and funds have been encumbered but the project requires NIFA bonding authorization

Signature	Title	Date
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Print Name _____

NIFA

Amount being approved by NIFA: _____

Signature	Title	Date
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Print Name _____

NOTE: All contract submissions MUST include the County's own routing slip, current NIFS printouts for all relevant accounts and relevant Nassau County Legislature communication documents and relevant supplemental information pertaining to the item requested herein.

NIFA Contract Approval Request Form MUST be filled out in its entirety before being submitted to NIFA for review.

NIFA reserves the right to request additional information as needed.

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 1, 2015

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: J. Anthony Enterprises, Inc. Contract

REQUEST FOR: Consideration of County Contract for J. Anthony Enterprises, Inc.

Introduction:

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

On June 24, 2015, the County submitted a contract for J. Anthony Enterprises, Inc. to NIFA for approval. The vendor was selected through a County RFP process. The contract is valued at \$13,407,000 with a term of 540 days.

Discussion:

On October 6, 2014, the County Legislature approved the contract for services between the Nassau County Department of Public Works and this vendor. This contract is to provide various redevelopments, construction and improvements at the County’s Department of Public Works Hempstead Road Maintenance Facility. Funding for this contract would be provided by capital funding. The borrowing has been approved by the Nassau County Legislature for the full amount of the contract request and cash in the amount of \$1.976 million is available to proceed with construction services for the first year of this contract; however, the additional funding of approximately \$11 million and a borrowing request would require additional approval by NIFA.

Requested Action:

The County has requested approval of this contract.

Attachment:
Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 15- 568

CONSIDERATION OF COUNTY CONTRACT FOR J. ANTHONY ENTERPRISES, INC.

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

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves/disapproves the County’s Contract for J. Anthony Enterprises, Inc., which is projected to cost \$13,407,000; and be it further

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

Jon Kaiman
Chairperson

July 1, 2015

NASSAU COUNTY INTERIM FINANCE AUTHORITY

FOR CONSIDERATION

July 1, 2015

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Contracts from County Attorney's Office

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

Introduction:

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

Discussion:

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

Brief Summary:

Vendor	Contract #	Amount	Purpose
Meyer, Suozzi, English & Klein, P.C.	CQAT15000007	\$50,000	New outside counsel contract to represent the County, County Executive Mangano, County Treasurer Jefferson and Acting County Assessor Davis in the matter: Kevan Abrahams, Judith A. Jacobs, Delia Deriggi-Whitton, Carrie Solages, Siela A. Bynoe, Laura Curran, Norma Gonsalves and William Muller III in their official capacities, Index No. 14-012244

Wilson, Elser Moskowitz Edelman & Dicker	CQAT15000004	\$100,000	New outside counsel contract to represent the County, County Executive Mangano, County Treasurer Jefferson and Acting County Assessor Davis in the matter: Kevan Abrahams, Judith A. Jacobs, Delia Deriggi-Whitton, Carrie Solages, Siela A. Bynoe, Laura Curran, Norma Gonsalves and William Muller III in their official capacities, Index No. 14-012244
Bartlett, McDonough & Monaghan, LLP	CQAT15000006	\$100,000	New outside counsel contract to represent the County in: Shakeria Little v. County of Nassau, et al, Index No. CV14-125; Mevyo Jean v. County of Nassau, "Chief Frank Doe", Karen G. Dowling, "Richard Roe" #1-12, Kathleen Rice, Robert Cegielski, John Cegielski, Brandon M Bertone, Matthew Maloney, Tyler Olli, Daniel Jeannotte, Adam Winne, and William Ardamis, Index No. CV14-1322; and Michael Olson and Penny Payne Olson v. County of Nassau, Nassau County Police Department, County of Nassau Correctional Center, Town of North Hempstead and John Does 1-25, Index No. 15-CV-00024
Robert J. Bishop	CQAT15000003	\$60,000	Lobbying on behalf of the County before NYS Executive and Legislative branches of government related to matters contained in Nassau County's Multi-year Financial Plan
Bee, Ready Fishbein, Hatter & Donovan, LLP	CQAT15000016	\$250,000	New outside counsel to represent Nassau County in a cross appeal known as John Restivo and Dennis Halstead v. Nassau County, Carolann Hesseman, as executrix for the estate of Joseph Volpe, in his individual capacity, and Charlie Fraas, in his individual capacity, 06-cv-6720 (JS)(SIL).

Requested Action:

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

Attachment:

Resolution

NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLUTION NO. 15-569

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 be it further

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

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

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

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

Jon Kaiman
Chairperson

July 1, 2015