

## AGENDA

**NASSAU COUNTY INTERIM FINANCE AUTHORITY  
MONDAY, DECEMBER 30, 5:00 PM  
MARRIOTT LONG ISLAND HOTEL & CONFERENCE CENTER  
101 JAMES DOOLITTLE BLVD., UNIONDALE, NY 11553**

Call to Order

Action Items

- I. Approval of the Minutes of November 25, 2013 Meeting
- II. Consideration of Revenue Anticipation Note Borrowing by NHCC
- III. Consideration of County Contract for Motorola Solutions, Inc.
- IV. Consideration of Contracts from the County Attorney's Office

Adjournment

DRAFT – SUBJECT TO REVIEW AND REVISION

NASSAU COUNTY INTERIM FINANCE AUTHORITY  
MINUTES OF THE MEETING OF THE DIRECTORS  
HELD ON NOVEMBER 25, 2013

Pursuant to notice dated November 18, 2013, a meeting of the Nassau County Interim Finance Authority (“NIFA”) was convened at 9:42 AM at the Marriott Long Island Hotel & Conference Center located at 101 James Doolittle Blvd, Uniondale, NY 11553.

The following Directors of the Authority were present:

Jon Kaiman, Chairman  
Paul Annunziato  
John Buran  
George Marlin  
Lester Petracca  
Dermond Thomas  
Christopher Wright

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

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

The Chairman stated that the first item on the agenda was a resolution to approve the minutes of the October 9, 2013 Directors’ meeting.

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

DRAFT – SUBJECT TO REVIEW AND REVISION

Chairman Kaiman, Director Annunziato and Director Petracca abstaining:

Resolution No. 13-460

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE OCTOBER 9, 2013 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on October 9, 2013 are hereby approved and all actions taken by the Directors present at such meeting, as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Authority.

\* \* \*

Chairman Kaiman then entertained a motion to go into executive session to discuss potential litigation.

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

Resolution No. 13-460 A

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

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

\* \* \*

At 9:43 AM the open session of the Directors was temporarily adjourned and an executive session of the Directors was convened. At 10:30 AM the executive session was adjourned and the open session was reconvened. No votes were taken in the Executive Session.

DRAFT – SUBJECT TO REVIEW AND REVISION

General Counsel Wise stated that the next item on the agenda was a resolution concerning NIFA’s auction rate securities. He stated that in 2004 and 2005 NIFA issued over \$700 million in short term securities called auction rate securities. He stated that in 2008 because of dislocations in the market, NIFA had difficulty remarketing those short term auction rate securities and ultimately switched to other forms of borrowing. General Counsel Wise stated that the law firm of Kirby and McInerney has applied for an appointment to work -on a contingency basis- to try to recover monies from various investment banks which got NIFA involved in the auction rate process.

Chairman Kaiman stated that NIFA would like to move forward with this action, but also would like to explore other firms to assess their skill sets and experience.

Director Annunziato stated that he was employed by one of the firms that may be a defendant in this action and he was, therefore, recusing himself from this matter.

Director Wright stated that he would also be recusing himself.

Upon motion duly made and seconded, the following resolution was approved with Directors Annunziato and Wright recusing themselves:

Resolution No. 13-461

AUTHORIZATION TO APPOINT A LAW FIRM 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 (the “NIFA”); and be it further

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLVED, that based upon the Materials presented to this meeting, the Directors hereby delegate to the Chairman or his designees the authority to enter into a contract with the law firm of Kirby McInerney LLP (the “Firm”) or any other law firm that he finds to be qualified, in order to pursue any rights or recoveries that NIFA may have in relation to its auction rate bonds or related matters; and be it further

RESOLVED, that this contract is given on a sole source basis because of the unique nature of the assignment, the expertise of the Firm in similar matters and the extraordinary circumstances which makes advertising impractical or inappropriate.

\* \* \*

General Counsel Wise stated that the next item on the agenda was a resolution authorizing the County to issue bond anticipation notes for approximately \$122 million. He stated that the proceeds will be used to continue working on Superstorm Sandy related projects.

Chairman Kaiman recused himself from this item on the agenda since it related to Superstorm Sandy.

Upon motion duly made and seconded, the following resolution was approved with Chairman Kaiman recusing himself:

Resolution No. 13-462

CONSIDERATION OF ISSUANCE OF 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

DRAFT – SUBJECT TO REVIEW AND REVISION

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 bond anticipation notes and approves such issuance(s) in the amounts and upon the conditions outlined in the Materials; and be it further

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

\* \* \*

General Counsel Wise stated that the next item on the agenda was a resolution authorizing the County to issue General Obligation Bonds.

Director Marlin asked that each item be voted on separately for these bonds. He then made a motion to approve Category A, which is the issuance of approximately \$51 million for general purpose capital projects and for sewer and storm water projects.

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

Resolution No. 13-463 A

**CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BONDS BY NASSAU COUNTY – CATEGORY A**

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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 such issuance(s) in the amounts described in the Materials under Category A

DRAFT – SUBJECT TO REVIEW AND REVISION

(plus costs of issuance) 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.

\* \* \*

Chairman Kaiman then made a motion to approve Category B, which is the issuance of \$6.6 million for termination pay.

Chairman Kaiman stated that the original request was for \$30 million but that NIFA was authorizing the issuance of only \$6.5 million for termination pay. He stated that this resolution would also include authorization to use \$3.5 million from a prior bond issuance.

Upon motion duly made and seconded, the following resolution was approved with Director Marlin voting no:

Resolution No. 13-463 B

**CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BONDS BY NASSAU COUNTY – CATEGORY B**

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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 such issuance(s) in the amounts described in the Materials and under Category: B (plus costs of issuance) upon the conditions outlined in the Materials; and be it further

RESOLVED, that any bond funds not already expended from the \$26.5 million authorized by NIFA

DRAFT – SUBJECT TO REVIEW AND REVISION

on March 22, 2012 for PBA, DAI, and SOA separation payments, may be used without restriction for PBA, DAI and SOA termination pay; 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.

\* \* \*

Director Marlin then made a motion to approve Category C, which is the issuance of approximately \$1,348,000 for Workman’s Compensation bonds.

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

Resolution No. 13-463 C

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BONDS BY NASSAU COUNTY- CATEGORY C

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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 such issuance(s) in the amounts described in the Materials in Category: C (plus costs of issuance) 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.

\* \* \*

Director Marlin then made a motion to approve Category D, which is the issuance of \$718,000 for judgments and settlements.



DRAFT – SUBJECT TO REVIEW AND REVISION

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

Resolution No. 13-463 D

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BONDS BY NASSAU COUNTY- CATEGORY D

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 such issuance(s) in the amounts described in the Materials under Category: D (plus costs of issuance) 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.

\* \* \*

Director Marlin then made a motion to approve Category E, which is the issuance of \$35 million for tax certiorari related matters.

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

Resolution No. 13-463 E

CONSIDERATION OF ISSUANCE OF GENERAL OBLIGATION BONDS BY NASSAU COUNTY- CATEGORY E

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 such issuance(s) in the amounts described in the Materials under Category: E (plus costs of issuance) 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.

\* \* \*

Director Marlin then made a motion to approve the next item on the agenda which was to authorize the issuance Tax Anticipation notes.

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

Resolution No. 13-464

CONSIDERATION OF ISSUANCE OF TAX ANTICIPATION NOTES BY NASSAU COUNTY

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(e) of the Authority Act, the Authority has reviewed the terms of the County’s proposed issuance of TANs and hereby approves said borrowing on the condition that total proceeds, consisting of par and original issue premium, cannot exceed \$227,592,260 including costs of issuance, and be it further

RESOLVED, that the final terms of the sale are subject to the review and approval of the Chairman of the Authority or his designee(s); and be it further

DRAFT – SUBJECT TO REVIEW AND REVISION

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

\* \* \*

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of contracts between the County Attorney’s office and outside vendors. He stated that since the County Attorney’s office has a history of submitting contracts late and/or commencing work on contracts prior to NIFA approval, the NIFA Directors had stated that they would like to review them.

Mr. Wise stated that the first contract is with Leventhal, Cursio, Mullaney & Sliney relating to the Board of Elections.

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

Resolution No. 13-465 A

REVIEW OF CONTRACT FROM THE COUNTY ATTORNEY’S OFFICE FOR LEVENTHAL,  
CURSIO, MULLANEY & SLINEY LLP

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

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

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

DRAFT – SUBJECT TO REVIEW AND REVISION

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 CQAT13000010 in the amount of \$25,000;; 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.

\* \* \*

Chairman Kaiman stated that the next County Attorney contract with the law firm of Bee, Ready, Fishbein, Hatter & Donovan for \$500,000 is problematic since it was submitted to NIFA very recently. He stated that since the Directors have not had time to review this contract, he was recommending that the contract be rejected, without prejudice, if the County wanted to resubmit it to NIFA at a subsequent meeting.

Upon motion duly made and seconded, the following resolution was approved with Director Annunziato recusing himself:

Resolution No. 13-465 B

REVIEW OF CONTRACT FROM THE COUNTY ATTORNEY'S OFFICE FOR BEE, READY, FISHBEIN, HATTER & DONOVAN

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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

DRAFT – SUBJECT TO REVIEW AND REVISION

RESOLVED, that the contract between the County Attorney's Office and the law firm of Bee Ready, Fishbein, Hatter & Donovan for \$500,000 is hereby rejected without prejudice if the County wishes to resubmit it to NIFA for approval at a subsequent meeting of the Directors; 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.

\* \* \*

Director Marlin then asked about a settlement the County Attorney paid to the Bishop firm concerning a contract that the NIFA Directors had previously rejected. Mr. Wise stated that he has found out that the former County Attorney did settle a contract claim for a contract that was previously rejected by the NIFA Directors.

Chairman Kaiman stated that NIFA would pursue a legal opinion as to what course of action should be taken since this was not the intent of the Directors when they rejected the contract that was settled.

Chairman Kaiman stated that the next item on the agenda was a resolution to adopt the NIFA staff report concerning the adopted Nassau County Multi-Year Financial Plan, Fiscal 2014-2017. He then asked Executive Director Cohen to brief the Directors on the report.

Executive Director Cohen stated in October, NIFA issued a report on the County's proposed Multi-Year Plan which concluded that it contained approximately \$104 million of risks on a budgetary basis and \$122 million on a GAAP basis as well as greater amounts in the out years. He stated that in response to NIFA's report, the County's adopted Multi-Year Plan reflected the

DRAFT – SUBJECT TO REVIEW AND REVISION

elimination of bonding that had been previously proposed for settlements after 2014, and a description of a plan for reducing tax certiorari liability. He stated that the County made several other minor changes to the proposed budget which in aggregate resulted in the major funds of 2013 budget being decreased by \$300,000.

Executive Director Cohen then stated that the Plan does not reflect any of the unbudgeted costs from lifting the wage freeze. He projected annual gaps in the out-years of approximately \$100 million larger than the County projects. He stated that the County will need to find new ways to increase revenues or reduce expenditures.

Chairman Kaiman stated that 2014 budget appears to be workable but the out-years do not appear to work.

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

Resolution No. 13-466

**APPROVING THE COUNTY’S MULTI-YEAR FINANCIAL PLAN FOR FISCAL 2014 – 2017, WITH CERTAIN CONDITIONS**

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WHEREAS, Nassau County is operating in a control period, which NIFA imposed on January 26, 2011; and

WHEREAS, in September 2013 the County Executive submitted to NIFA his proposed Multi- Year Financial Plan for Fiscal 2014 – 2017 (“Proposed Plan”), the first year of which is his proposed 2014 Budget; and

WHEREAS, on October 9, NIFA accepted a staff report concluding that the Proposed Plan should be

DRAFT – SUBJECT TO REVIEW AND REVISION

considered for approval only if certain conditions were satisfied; and

WHEREAS, on October 28, 2013, the County Legislature adopted its Multi-Year Financial Plan for Fiscal 2014 – 2017 (the “MYP”), the first year of which is the County’s 2014 Budget, which is now before NIFA for approval or disapproval; and

WHEREAS, the County is hereby and herewith reminded of its obligation to (a) save \$150 million in recurring personnel-related costs and (b) achieve a balanced budget in accordance with Generally Accepted Accounting Principles (“GAAP”) and consistent with the NIFA Act by 2015 and in each year thereafter, both as preconditions to certain transitional borrowing which may, as a consequence of meeting these conditions, be approved by NIFA in its sole discretion. The County is further reminded hereby that it has not, to date, met these conditions; and

WHEREAS, the NIFA Staff has prepared a report on the MYP, which the Directors hereby adopt;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Sections 3667(2) and 3669(2)(a) of the N.Y. Public Authority Law, Chapter 43-A, NIFA approves the MYP, including the 2014 Budget, subject to the conditions set forth in the Staff’s report, to wit:

- (i) POINT ONE: The County shall no later than any request for related borrowing, deliver a revised Multi-Year Plan, approved by the Legislature and signed by the County Executive, which (a) reduces the deficit in 2014 by \$30 million and (b) is balanced in accordance with Generally Accepted Accounting Principles (“GAAP”) in 2015 and each year thereafter. The determinations of the sufficiency of the deficit reduction in 2014 and GAAP balance in 2015 and thereafter will be solely within the discretion of NIFA.
- (ii) POINT TWO: Unanticipated savings or revenues that are not directly used to offset negative variances in line items in the 2014 Budget or MYP must be disclosed to NIFA before they are committed. The County and NIFA will then consult as to their highest and best use including, but not limited to (but with a bias toward), the reduction of County debt service or debt issuance. In addition, all other significant variances and their resolution must be disclosed to NIFA on a timely/real time basis and through written reports referenced in Point Four below.
- (iii) POINT THREE: NIFA’s approval of any “transitional cert borrowing” in FY 2013 – 2014 is predicated on the understanding that the proceeds will be used to pay down new liability as well as the backlog so that in FY 2015 the County will be in a position to fund both the backlog and new liability with operating funds.
- (iv) POINT FOUR: If NIFA’s approves any borrowings for non-cert judgments and settlements or employee terminal leave payments they must be predicated on the

DRAFT – SUBJECT TO REVIEW AND REVISION

understanding that the proceeds will be used only during FY 2013- 2014 and that beginning in 2015 all non-cert judgments and settlements and employee terminal leave payments will be funded through operating revenues. The only exception shall be for large and unanticipated judgments, the determination of which will be subject to NIFA approval.

- (v) POINT FIVE: The County will continue to be required within 21 days after the end of every month to submit a report to NIFA that follows the same format as the “Monthly County Budget Report.” Receipt of these reports will be a condition to approval of any additional borrowing and each report should include all budget variances including, but not limited to:
- A report of sales tax collections, together with a projection of year end results and the justification for the projection.
  - A report showing, by department, funded positions, filled positions, separations, transfers in/out, and new hires.
  - A copy of the County’s proposed State legislative agenda, with sponsor and bill numbers for each gap-closing initiative that requires implementation during FY 2014 and FY 2015, together with monthly updates.
  - An accounting of certiorari payment activity and estimated backlog.

\* \* \*

The Chairman then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 11:20 AM.

Respectfully submitted,

Laurie A. Boucher  
Corporate Secretary



## **FOR CONSIDERATION**

December 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Revenue Anticipation Note Borrowing

REQUEST FOR: Consideration of Revenue Anticipation Note Borrowing by NHCC

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### **Introduction:**

The Nassau Health Care Corporation (“NHCC”) would like to issue cash flow notes (the “Notes.”) The total amount of the Notes will be \$40 million, but there will be premium Notes thereby increasing the total amount of proceeds. The total amount of proceeds from sale of the Notes, including premium, is not expected to exceed \$42 million.

Issuance of the Notes has been approved by the NHCC Board; however, NHCC is requesting NIFA’s approval. The reason for NHCC’s request to NIFA is found in section 3369 2(e) of the NIFA Act, which states that during a Control Period:

“The authority shall review the terms of each proposed long-term and short-term borrowing by the county and any covered organization to be effected during any control period, and no such borrowing shall be made during any control period unless it is approved by the authority.”

### **Background:**

NHCC plans to issue the Notes in January 2014, probably the week of January 15th. The Notes will close, and proceeds will be available to NHCC, prior to the end of January.

The Notes will be tax-exempt, will not be rated, and will not be callable prior to maturity.

The Notes will be issued to fund NHCC’s pension payment, which is due February 1, 2014, and other cash flow needs. They will have a term of approximately 11 months, and will mature on or around December 15, 2014. Interest will be paid at maturity.

The primary source of noteholder security will be NHCC’s expected Medicaid receipts consisting of Intergovernmental Transfer (“IGT”) and Indigent Care Adjustment payments. IGT funds are expected to total approximately \$42 million in 2014. Indigent Care Adjustment is expected to be approximately \$13 million. NHCC will additionally secure the Notes with a backup pledge of its operating revenues.

NHCC will utilize a “lock box” structure to attract investors and provide sufficient security for the Notes. Under this structure, NHCC will deposit the pledged revenues with a third party

trustee at certain times and in specific amounts to ensure funds are available to satisfy the debt service requirement(s) on a timely basis.

NHCC has issued similar notes in each of the prior four years. Each of these notes was paid or will be paid in full at maturity.

- \$40 Million NHCC Revenue Anticipation Notes issued on January 17, 2013
- \$40 Million NHCC Revenue Anticipation Notes issued on February 16, 2012
- \$55 Million NHCC Revenue Anticipation Notes issued on March 24, 2011
- \$50 Million NHCC Revenue Anticipation Notes issued on June 8, 2010

There will be no Nassau County guaranty on the Notes. However, the County would be required to subordinate its interest in NHCC's revenues, as it has for the prior RAN issuances. The County has approved the subordination agreement for the 2014 issuance.

Orrick, Herrington will serve as bond counsel, Public Financial Management as financial advisor, Ramirez & Co. as underwriter, Harris Beach as underwriter's counsel, and The Bank of New York Mellon as trustee.

**Discussion:**

After discussions between NIFA and NHCC staff, we are convinced that this issuance is needed in order to help meet NHCC's financial obligations.

**Requested Action:**

You are requested to approve NHCC's proposed issuance of RANs subject to the final review and approval of the Chairman or his designee(s).

**Attachment:**

Resolution

**NASSAU COUNTY INTERIM FINANCE AUTHORITY**

**RESOLUTION NO. 13-468**

**APPROVAL OF ISSUANCE OF REVENUE ANTICIPATION NOTES BY THE NASSAU HEALTH CARE CORPORATON**

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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(e) of the Authority Act, the Authority has reviewed the terms of the Nassau Health Care Corporation’s proposed issuance of Revenue Anticipation Notes and hereby approves said borrowing on the condition that total proceeds, consisting of par and original issue premium, cannot exceed \$42 million, and be it further

RESOLVED, that the final terms of the sale are subject to the review and approval of the Chairman of the Authority or his designee(s); and be if further

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

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Jon Kaiman  
Chairperson

December 30, 2013

# NASSAU COUNTY INTERIM FINANCE AUTHORITY

## **FOR CONSIDERATION**

December 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Motorola Solutions, Inc. Contract

REQUEST FOR: Consideration of County Contract for Motorola Solutions, Inc.

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### **Introduction:**

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

On December 23, 2013, the County submitted a contract for Motorola Solutions, Inc. to NIFA for emergency approval. The vendor was selected through a NYS Office of General Services contract No. PT62495PS62496. The contract is valued at \$11,109,455.12. This contract is 100% federally funded.

### **Discussion:**

The purpose of this contract is to construct a new six (6) site, sixteen (16) channel 800 MHZ P25, Digital Simulcast Land Mobile Radio System, which will be connected to the Police Departments current Astro 25, 500 MHZ radio system. This configuration will provide a seamless redundant single platform for voice, integrated data and public safety grade interoperability for all public safety users in Nassau County. This system will replace the County’s current system which is over twenty years old, outdated, beyond its useful life, and unreliable (it has an extremely high failure rate). During Superstorm Sandy the communications system failed during the height of the storm.

### **Requested Action:**

For the above-noted reasons and the County’s representation that this contract must be approved before year end in order to receive a \$3.5 million discount, you are requested to approve the County’s contract for Motorola Solutions, Inc.

### **Attachment:**

Resolution

**NASSAU COUNTY INTERIM FINANCE AUTHORITY**

**RESOLUTION NO. 13-469**

**APPROVAL OF COUNTY CONTRACT FOR MOTOROLA SOLUTIONS, INC.**

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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 Motorola Solutions, Inc., which is projected to cost \$11,109,455.12; 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.

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Jon Kaiman  
Chairperson

December 30, 2013

# NASSAU COUNTY INTERIM FINANCE AUTHORITY

## FOR CONSIDERATION

December 30, 2013

TO: NIFA Directors

FROM: Evan Cohen

SUBJECT: Contracts from County Attorney's Office

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

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### 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
Berkman, Henoeh, Peterson, Paddy & Fenchel, PC	CLAT13000025	\$125,000	An amendment to an existing outside counsel contract to represent the County in the matter of Matthew Prince v. County of Nassau, et al. This amendment increases funding for the original contract from \$475,000 to \$600,000.
Berkman, Henoeh, Peterson, Paddy & Fenchel, PC	CLAT13000024	\$250,000	An amendment to an existing outside counsel contract to represent the County in the matters: Stamile, et al, v. County of Nassau, et al; Battisti v. Rice, et al: Solomon v. Nassau County; and Stein v. Nassau County, et al. This amendment increases funding for the original contract from \$250,000 to \$500,000.

<b>Sunshine &amp; Feinstei, LLP</b>	CLAT13000028	\$25,000	Amendment to existing outside counsel contract to represent the County in the matter know as Paula Jackson v. Nassau County Sheriff's Department, State Division case number 10148383. This amendment increases funding for the original contract from \$25,000 to \$50,000.
<b>Bee Ready, Fishbein, Hatter &amp; Donovan</b>	CLAT13000027	\$500,000	Provide legal services to the County with regard to labor and employment matters. This is an amendment to increase funding from \$875,000 to \$1,375,000. This is a resubmission of the contract that was rejected by the NIFA Board on November 25.
<b>Meyer, Suozzi, English &amp; Klein, PC</b>	CLAT13000029	\$100,000	To provide legal representation in the matter of Warren v. County of Nassau, et al, indexed under o6 CV 3560 and 09 CV 1614. This amendment increases the maximum amount from \$75,000 to \$175,000.
<b>North Shore Court Reporters</b>	CLPD13000021	\$10,000	Additional encumbrance to establish a NCPD specific line on the county attorney contract with North Shore Court Reporters for departmental stenographic reporting services. Expiration determined by agreement parent (County Attorney).

**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. 13-470**

**REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY'S OFFICE**

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

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

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

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

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

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

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Jon Kaiman  
Chairperson

December 30, 2013