

NASSAU COUNTY INTERIM FINANCE AUTHORITY
MINUTES OF THE MEETING OF THE DIRECTORS
HELD ON SEPTEMBER 10, 2014

Pursuant to notice dated August 28, 2014, a meeting of the Nassau County Interim Finance Authority (“NIFA”) was convened at 4:51 PM at the Marriott Long Island Hotel & Conference Center located at 101 James Doolittle Blvd, Uniondale, NY 11553.

The following Directors of the Authority were present:

Jon Kaiman, Chairman
Paul Annunziato
John Buran
Paul Leventhal
Lester Petracca
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 June 18, 2014 Directors’ meeting.

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

unanimously:

Resolution No. 14-512

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE JUNE 18, 2014 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on June 18, 2014 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 stated that the next item on the agenda was a resolution approving NIFA's multi-year financial plan which was approved by the Audit and Internal Controls Committee at its meeting today, prior to this Board meeting.

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

Resolution No. 14-513

APPROVE SUBMISSION OF NIFA'S 2015 BUDGET AND FY 2015 – FY 2018 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 2014 ("Budget") and a proposed Financial Plan for FY 2015 – FY 2018 ("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.

* * *

Chairman Kaiman stated that the next item on the agenda was a resolution amending NIFA's procurement Guidelines. Executive Director Cohen stated that there were minor changes made to Guidelines that were required by New York State.

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

Resolution No. 14-514

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

RESOLVED, that the "Nassau County Interim Finance Authority Guidelines Regarding the Use, Awarding, Monitoring and Reporting of Procurement Contracts," (the "Procurement Guidelines), annexed to the Materials, are hereby re-adopted; and be it further

RESOLVED, that all actions previously taken by the Chairman at the Authority, or his designees, in furtherance of the foregoing are hereby ratified and approved.

* * *

Deputy Director Maria Kwiatkowski stated that the next item on the agenda was a resolution to consider a contract between Nassau County and United Way of Long Island. She stated that the contract is for the administration of the Ryan White grant which provides services to the Aids population. She stated that the contract is for approximately \$5.6 million and is 100 percent federally funded.

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

Resolution No. 14-517

APPROVAL OF COUNTY CONTRACT FOR UNITED WAY OF LONG ISLAND, 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 United Way of Long Island, Inc., which is projected to cost \$5,613,474; 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.

* * *

Deputy Director Maria Kwiatkowski stated that the next item on the agenda was a resolution to consider a contract between Nassau County and United Water. She stated that the amount of the contract is approximately \$65 million per year.

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

Resolution No. 14-518

CONSIDERATION OF COUNTY CONTRACT FOR UNITED WATER LONG ISLAND, 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 United Water Long Island, Inc. which is projected to cost \$64,966,000 (first year); and be it further

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

* * *

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 was between the County and Bartlett, McDonough & Monaghan, LLP. He stated that this law firm represents the County concerning a civil rights lawsuit. He stated that the second contract with Meyer, Suozzi, English & Klein, PC concerns a

sexual harassment lawsuit. He further stated that the third contract with Jaspan Schlesinger, LLP was to represent the County on a claim of false arrest and malicious prosecution.

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

Resolution No. 14-519

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY'S OFFICE

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

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

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

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

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves contracts numbered CLAT14000018, CLAT14000016 and CQAT14000016 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 stated that the next item on the agenda was a resolution to consider lifting the wage freeze on the Correction Officer's Benevolent Association (COBA). He stated that

this is the final major union that is still under NIFA's wage freeze. The Chairman stated that although he believes it is time to lift the wage freeze for COBA, NIFA still has concerns relating to the overall economic viability of the County.

Upon motion duly made and seconded, the following resolution was approved with Director Wright opposing:

Resolution No. 14-520

CERTIFYING THAT THE MEMORANDUM OF AGREEMENT BETWEEN NASSAU COUNTY AND THE NASSAU COUNTY SHERIFF'S CORRECTION OFFICERS BENEVOLENT ASSOCIATION IS AN ACCEPTABLE CONTRIBUTION TOWARD ALLEVIATING THE FISCAL CRISIS IN NASSAU COUNTY

WHEREAS, on March 24, 2011, March 22, 2012, and March 14, 2013, and March 10, 2014, NIFA adopted resolutions declaring a fiscal crisis and imposing one-year wage freezes on Nassau County employees; and

WHEREAS, NIFA's March 10, 2014 resolutions recounted recent good faith negotiations and identified conditions that, if faithfully implemented through County legislation and new labor agreements, would allow NIFA to terminate the wage freeze; and

WHEREAS, on June 18, 2014, the County Executive and the Nassau County Sheriff's Correction Officers Benevolent Association ("COBA") executed a Memorandum of Agreement ("MOA"); and

WHEREAS, the County Legislature has adopted a resolution approving the MOA; and

WHEREAS, on June 18, 2014, the County Executive and the President of the COBA executed a letter to the NIFA Chairman (the "Letter") clarifying certain aspects of the MOA in a legally binding manner; and

WHEREAS, NIFA has considered seriously, the impact of the wage freeze on County personnel and their families, the impact of the freeze on employee morale and future hiring, as well as the impact of lifting the freeze on the County's finances and fiscal credibility; and

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Section 3669(3)(b) of the NIFA Act, NIFA hereby certifies that the MOA, as clarified by the Letter, is an instrument in writing that is an

acceptable and appropriate contribution by the COBA toward alleviating the fiscal crisis of the County, which fiscal crisis continues; and be it further

RESOLVED, that NIFA will abide by the terms of the MOA, as clarified by the Letter, and will not impose a wage freeze with respect to the PBA through December 31, 2017, as long as all parts of the MOA, as clarified by the Letter, remain in effect.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to consider lifting the wage freeze on the County's ordinance employees.

Upon motion duly made and seconded, the following resolution was approved with Director Wright opposing:

Resolution No. 14-521

CERTIFYING THAT COUNTY ORDINANCE 77-2014 IS AN ACCEPTABLE CONTRIBUTION BY "NON-CONTRACT" EMPLOYEES TOWARD ALLEVIATING THE FISCAL CRISIS IN NASSAU COUNTY

WHEREAS, on March 24, 2011, March 22, 2012, and March 14, 2013, and March 10, 2014, NIFA adopted resolutions declaring a fiscal crisis and imposing one-year wage freezes on Nassau County employees; and

WHEREAS, NIFA's March 10, 2014 resolutions recounted recent good faith negotiations and identified conditions that, if faithfully implemented through County legislation and new labor agreements, would allow NIFA to terminate the wage freeze; and

WHEREAS, County Ordinance 77-2014 was passed by the County Legislature on June 16, 2014 and said Ordinance contains certain limitations in compensation for "non-contract employees" aka "ordinance employees;" and

WHEREAS, NIFA has considered seriously, the impact of the wage freeze on County personnel and their families, the impact of the freeze on employee morale and future hiring, as well as the impact of lifting the freeze on the County's finances and fiscal credibility; and

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Section 3669(3)(b) of the NIFA Act, NIFA hereby certifies that County Ordinance 77-2014, is deemed an instrument in writing that is an acceptable and appropriate contribution by the County's non-contract employees toward alleviating the fiscal crisis of the County, which fiscal crisis continues.

* * *

Chairman Kaiman stated that the next item on the agenda was a resolution to consider a voluntary separation agreement between the County and the Civil Service Employees Union.

Executive Director Cohen stated that participants would receive \$1000 for each year of service. He stated that approximately 200 employees, with salaries totaling more than \$13 million, had signed up for the agreement. He stated that the County would be seeking to bond at least \$5 million for the additional incentive and termination costs above the first 75 terminations, but the bonding request was not being considered by NIFA at this time.

Deputy County Executive Rob Walker then gave a presentation on the agreement.

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

Resolution No. 14-523

APPROVAL OF A VOLUNTARY SEPARATION AGREEMENT BETWEEN THE COUNTY OF NASSAU AND THE CIVIL SERVICE EMPLOYEES UNION.

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 the Authority hereby approves, a voluntary separation agreement between the County of Nassau and the Civil Service Employees Association.

* * *

Chairman Kaiman then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 5:18 PM.

Respectfully submitted,

Laurie A. Boucher
Corporate Secretary