

NASSAU COUNTY INTERIM FINANCE AUTHORITY
MINUTES OF THE MEETING OF THE DIRECTORS
HELD ON NOVEMBER 29, 2012

Pursuant to notice dated November 26, 2012, a meeting of the Nassau County Interim Finance Authority (“NIFA”) was convened at 5:20 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:

Ronald Stack, Chairman
John Buran
George Marlin
Leonard Steinman
Dermond Thomas
Christopher Wright

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

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

Chairman Stack then asked Executive Director Cohen to go through the items on the agenda.

Executive Director Cohen stated that the first item on the agenda was a resolution to

approve the minutes of the October 25, 2012 Directors' meeting.

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

Resolution No. 12-391

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE OCTOBER 25, 2012 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on October 25, 2012 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.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to approve the Domestic Violence and Workplace Policy. He stated that adoption of this new policy is required by an Executive Order of the Governor.

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

Resolution No. 12-392

APPROVAL OF NIFA'S DOMESTIC VIOLENCE AND THE WORKPLACE POLICY

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 attached Domestic Violence and the Workplace Policy ("Policy") is adopted

by the Directors; and be it further

RESOLVED that the Corporate Secretary of NIFA shall serve, ex officio, as the liaison to the Office for the Prevention of Domestic Violence; and be it further

RESOLVED, that NIFA staff may take all steps necessary to implement the Policy.

* * *

Nassau County Interim Finance Authority Domestic Violence and the Workplace Policy

Adopted November 29,

Domestic violence permeates the lives and compromises the safety of thousands of New York State employees each day, with tragic, destructive, and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past.

Domestic violence is defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

The purpose of the Nassau County Interim Finance Authority's ("NIFA) proposed policy is to identify and prescribe practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

Therefore, NIFA will, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations or collective bargaining agreements, designate and direct appropriate management, supervisory, and/or human resources staff to implement the following policy.

Definitions

For purposes of this policy, the following terms will be defined as follows.

Domestic Violence: A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Intimate Partner: Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an “intimate relationship” including but not limited to couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples. 1

Abuser: A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim: The person against whom an abuser directs coercive and/or violent acts.

Guidelines

I. Employee Awareness

NIFA shall increase awareness of domestic violence and inform employees of available sources of assistance.²

- a. NIFA shall post information on domestic violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as the conference room or kitchen. Such information shall include available sources of assistance such as local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or human resources personnel who are trained and available to serve as confidential sources of information, support, and referral.

¹ This definition may extend to other circumstances such as the abuse of a parent by an adult child, but the primary focus of this policy is adult, intimate partner violence.

² Whenever possible, the domestic violence and the workplace policy should also be extended to consultants, contractors, and other non-state, on-site providers.

- b. Referrals shall be made to licensed/approved domestic violence programs located on the New York State Coalition Against Domestic Violence (NYSCADV) website at <http://www.nyscadv.org/local-domestic-violence-programs/>. Additional referrals may be made to best meet the needs of the employee. Information shall be made available on employee bulletin boards and included in employee newsletters, as appropriate.
- c. NIFA shall include information on domestic violence awareness and services in written materials provided to new employees and as part of new employee orientation.
- d. NIFA shall inform employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance Law.]
- e. NIFA shall integrate information on domestic violence and the agency's domestic violence and the workplace policy into existing materials and literature, policies, protocols, and procedures, including Public Employer Workplace Violence Prevention Programs³ as appropriate.
- f. NIFA shall consider conducting domestic violence awareness activities such as "brown bag" lunch programs and other health and wellness programs.

II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

Ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

- a. New York State law makes it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. This law requires employers, with prior day notification, to allow time off for victims or subpoenaed witnesses to exercise his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law [Penal Law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, contact the agency's Personnel Office or the Attendance and Leave Unit at the Department of Civil Service.
- b. NIFA, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a

family member who has been a victim of domestic violence, NIFA will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.

- c. NIFA should be aware that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. Therefore, consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer. Because there are confidentiality issues associated with the submission of documentation in these instances, agencies should consult with the Attendance and Leave Unit at the Department of Civil Service.
- d. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
- e. NYS has established that victims of domestic violence are now a protected class in the employment provisions of NYS human rights law. This law prevents an employer from firing or refusing to hire any individual based on their status as a victim of domestic violence and prevents discrimination in compensation or in the terms, conditions or privileges of employment. NIFA should prohibit inquiries about a job applicant's current or past domestic violence victimization, and prohibit employment decisions to be based on any assumptions about or knowledge of such exposure.
- f. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care should be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems should be exhausted.
- g. If reasonable measures have been taken to resolve domestic violence-related performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment, inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]

III. Workplace Safety Plans

NIFA shall have domestic violence workplace safety response plans in place and provide reasonable means to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations.

- a. NIFA shall designate an agency/Office for the Prevention of Domestic Violence (“OPDV”) liaison. This liaison will ensure agency- wide implementation of the domestic violence and the workplace policy, and serve as the primary liaison with OPDV regarding the domestic violence workplace policy.
- b. NIFA shall designate personnel available to support those in need of assistance around the issue of domestic violence. Designated support personnel’s contact information, including name, agency phone number and location will be included in agency materials and clearly posted.
- c. NIFA shall comply and assist with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site. If requested by the victim of domestic violence or law enforcement, NIFA shall provide information in its possession concerning an alleged violation of an order of protection.
- d. NIFA shall have an emergency security response plan in place, including procedures for contacting the appropriate law enforcement agency, and provide employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior. Such a plan will allow appropriate actions to be taken if an abuser gains unauthorized access to the work site, or if an abuser engages in any acts that threaten the safety of employees or clients.
- e. NIFA shall discuss with the victim of domestic violence the agency confidentiality policy and the limitation thereto. (See Section VII. NYS Agencies Responsibility d – g).
- f. NIFA shall consult with victimized employees to develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers and, upon request, the employee's bargaining representative, of the situation; setting up procedures for alerting security and/or the police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule, reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to security personnel. Plans must address additional concerns if the victim and the offender are both employed by the same agency.

- g. NIFA shall review domestic violence and the workplace policy annually. Policy revisions and updates shall be forwarded to OPDV.

IV. Accountability for Employees Who Are Offenders

NIFA shall hold accountable employees who engage in the following behavior: (1) using state resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official state business; or (3) using their job-related authority and/or state resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

- a. In cases in which NIFA has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using state resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action in accordance with existing collective bargaining unit agreements, statutes and regulations.
- b. In cases in which NIFA has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the agency shall determine if corrective action is warranted, in accordance with existing collective bargaining unit agreements, statutes and regulations.
- c. In cases in which any employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee shall be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statutes and regulations.

V. Training

Training, training development and training technical assistance on domestic violence and its impact on the workplace will be made available by OPDV on an on-going basis. NIFA should make training available to all staff on domestic violence. Training should be required of certain staff, and strongly encouraged for others, as outlined below.

- a. Agency/OPDV liaison and all personnel designated to provide support for those in need of assistance should complete OPDV's one-day training on Domestic Violence and the Workplace. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses in recognition of the physical, social and cultural realities that may affect an individual victim's situation. Training will also include information on the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.
- b. All appropriate managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives and security staff shall be encouraged to attend OPDV's training on Domestic Violence and the Workplace.
- c. Training on domestic violence and its impact on the workplace should be made available on a regular basis for all agency staff. Training would include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks. When possible, OPDV-approved training materials can be integrated into existing union and management training programs, agency training programs, Public Employer Workplace Violence Prevention Programs⁴ training, etc.. Training may also be provided by OPDV or a local domestic violence service provider when scheduling permits.

VI. NIFA'S Responsibility

- a. NIFA shall set a tone communicating that domestic violence is behavior that will not be tolerated and that the agency will actively provide information and support to employees who are victims of such abuse.
- b. NIFA shall disseminate copies of the agency's *Domestic Violence and the Workplace Policy* to all employees upon implementation and to all new employees upon hiring or appointment.
- c. NIFA shall review and follow their agency policy and procedures set forth in this domestic violence and the workplace policy.
- d. NIFA shall, consistent with applicable law and agency policy, document all incidents of domestic violence that happen in the workplace. Such documents should be provided to the Agency/OPDV Liaison as soon as practicable. Such documents shall be kept

⁴ 12 NYCRR pt. 800.16 Public Employer Workplace Violence Prevention Programs

confidential to the extent permitted by law and agency policy and the provisions of section g detailed below.

- e. All NIFA employees providing domestic violence information and support services shall document, consistent with applicable law and agency policy, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers. All information about employees who seek assistance shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below, and documentation should not include any personal information. The number of employees seeking assistance as outlined above shall be reported to the Agency/OPDV Liaison.
- f. All Agency/OPDV Liaisons shall, consistent with applicable law and agency policy, provide information about the number and general nature of domestic violence incidents that happen in the workplace, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers, with no personally identifying information, to OPDV at the time and in a manner determined by OPDV.
- g. Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and agency policy, and shall not be divulged without the written consent of the victimized employee, unless the agency determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, only those individuals (agency employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by NIFA to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information. NIFA shall disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, NIFA should provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. It is important for NIFA to inform a victim of domestic violence of the agency policy of confidentiality toward domestic violence information and the limitations of that policy. Nothing herein shall prevent NIFA from investigating an act or acts of domestic violence that happen with in the workplace. NIFA shall provide examples of situations where confidentiality cannot be maintained such as the following:
 - 1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is

necessary to protect the safety of the employee or the employee's co-workers.

2. First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, shall be provided relevant information on request.

- h. NIFA should establish a clear statement informing staff providing services and victims of applicable confidentiality limitations that exist.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to approve an amendment to the Veolia Transportation contract for approximately \$7 million. He stated that the monies come solely from Federal and State sources.

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

Resolution No. 12-393

APPROVAL OF AMENDMENT TO THE COUNTY CONTRACT WITH VEOLIA TRANSPORTATION SERVICES, 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 an amendment to Nassau County's Contract with Veolia Transportation Services, Inc., in the amount of \$7,319,217; 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 approve the borrowing of revenue anticipation notes for the Nassau Health Care Corporation which is a covered organization under the NIFA act and requires NIFA approval for borrowings. He stated that the borrowing would not exceed \$42 million and will be used primarily to finance NHCC's pension fund obligation and for certain other cash flow needs.

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

Resolution No. 12-394

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

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.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to approve the borrowing of tax anticipation notes for the County. He stated that the borrowing would be approximately \$260 million and would be repaid once these tax revenues are received. Chairman Stack stated that this is an important borrowing that is necessary for the County to meet their cash flow needs.

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

Resolution No. 12-395

APPROVAL 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 \$260,656,955 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 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.

* * *

Chairman Stack then entertained a motion to go into executive session to discuss legal matters.

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

Resolution No. 12-396

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 5:30 PM the open session of the Directors was temporarily adjourned and an executive session of the Directors was convened. At 5:45 PM the executive session was adjourned and the open session was reconvened. The Chairman stated that no votes were taken during executive session.

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of two legal service contracts submitted by the County. He stated that the first contract was for representing the late peter Schmitt in his role as presiding officer and the second contract is toward the aquatic center in Eisenhower Park.

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

unanimously:

Resolution No. 12-397

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 based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves contracts numbered CLAT12000023 and CLAT12000017 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 to approve the borrowing of general obligation bonds for the County. He stated that the borrowing would be approximately \$230 million. He stated that approximately \$192 million is to fund certain projects related to Superstorm Sandy; \$16 million for general capital; \$20 million for Sewer and Storm Water; and \$2 million for judgments and settlements. He stated that NIFA would give them a conditional approval for the Sandy related projects borrowing but would be imposing additional requirements for their final approval in a future board meeting. He stated that the borrowing will be approved based on the following additional requirements:

1. Approval of up to \$16,800,300 from the attached list of capital projects-pre Sandy (Attachment A). All of the projects have been approved by NIFA or do not require NIFA approval.

2. Approval of up to \$20,693,565 from the attached list of sewer and storm water projects-pre Sandy (Attachment B). All of the projects have been approved by NIFA or do not require NIFA approval.
3. Approval of up to \$2,108,290 from the attached list of non-certiorari related judgments and settlements (Attachment C).
4. Conditional pre-approval of up to \$ 192,183,767of borrowing related to Sandy for capital and sewer and storm water projects (Attachment D) upon final approval of the bonds by the Directors, which proof will be based upon evidence that the projects:
 - o are Sandy related;
 - o have been approved by NIFA or do not require NIFA approval;
 - o proceeds will be used only for expenses related to Sandy;
 - o any reimbursements received (including those from the Federal or State governments) will be applied towards repayment of any Sandy borrowing; and
 - o to the extent any of the expenses are not reimbursable; the expense will be borne by the County and factored into its Multi-Year Plan.

Chairman Stack added that NIFA will still maintain its fiduciary responsibilities to review the contracts but gave the County his assurance that NIFA will not unreasonably withhold its approval on Sandy related contracts.

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

Resolution No. 12-398

APPROVAL 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 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 to consider the approval of a contract submitted by the County for RJ Industries. He stated that the contract was for \$6.7 million and was to help the severely damaged Bay Park sewage treatment plant.

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

Resolution No. 12-399

REVIEW OF THE R.J. INDUSTRIES CONTRACT

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 contract numbered S16-2012 referenced 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 to consider the

approval of a contract submitted by the County for A.L.A.C. Contracting. He stated that the contract was for approximately \$8 million and was to improve the seawall at West Shore Road.

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

Resolution No. 12-400

REVIEW OF WITH A.L.A.C., CORPORATION CONTRACT

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 contract numbered S15-2012 referenced 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 Stack stated that the next item on the agenda was the NIFA report on the County budget that was approved the prior week. He asked Executive Director Cohen to summarize the report.

Executive Director Cohen stated that NIFA issued a report in October recommending that the County carefully consider NIFA’s concerns when adopting their budget and financial plan. He stated that the County was asked to remove all proceeds from the proposed sewer financing

transaction, savings from the proposed initiative to eliminate the MTA station maintenance payment and the proposed bonding for judgments and settlements after 2014 from their Multi-Year Plan. He stated that the County was responsive to these conditions in the adopted Multi-Year-Plan. He stated that the changes that the County Legislature has made has reduced the level of projected risks in 2013 to approximately \$48 million on a budgetary basis, but it is \$123 million on a GAAP basis. He noted that this level of risk is more than four times the \$28 million deficit which would otherwise trigger a control period. He stated that the biggest risk was the County's decision not to provide funding for police termination costs in 2013 with the expectation that it will finance these costs through a future debt issuance. Executive Director Cohen stated that the County did not include any contingency plans to address any unreimbursed costs resulting from Superstorm Sandy. He stated that the County must be prepared to implement cost cutting initiatives if the County does not get the FEMA reimbursement that it expects. He also noted NIFA's concern with the low level of funding for tax certiorari refunds in 2013 and the growing backlog of tax cert refund claims.

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

Resolution No. 12-401

**APPROVING THE COUNTY'S MULTI-YEAR FINANCIAL PLAN FOR FISCAL 2013 –
2016, WITH CERTAIN CONDITIONS**

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

WHEREAS, in September 2012 the County Executive submitted to NIFA his proposed Multi-Year

Financial Plan for Fiscal 2013 – 2016 (“Proposed Plan”), the first year of which is his proposed 2013 Budget; and

WHEREAS, on October 25, NIFA accepted a staff report concluding that approval the Proposed Plan should be considered for approval only if certain amendments were made during the adoption process; and

WHEREAS, and, on November 20, 2012, the County Legislature adopted its Multi-Year Financial Plan for Fiscal 2013 – 2016 (the “MYP”), the first year of which is the County’s 2013 Budget, which is now before NIFA for approval or disapproval; 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 2013 Budget, subject to the conditions set forth in the Staff’s report, to wit:

- (i) POINT ONE: Unanticipated savings or revenues that are not directly used to offset negative variances in line items in the 2013 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 Five below.
- (ii) POINT TWO: No funds shall be borrowed until NIFA has approved a contract or received detailed reports on the proposed uses of the funds. Those uses must conform to the MYP and the County’s promise to achieve a GAAP balanced budget in FY 2015.
- (iii) POINT THREE: NIFA’s approval of any “transitional cert borrowing” in FY 2012 – 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 would be in a position to fund both the backlog and new liability with operating funds.
- (iv) POINT FOUR: NIFA’s approval of any borrowings for non-cert judgments and settlements must be predicated on the understanding that the proceeds will be used only during FY 2012- 2014 and that beginning in 2015 all non cert judgments and settlements 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. Yearly progress in this regard must be presented to NIFA at the time when the multi-year plan and budget are presented to the County Legislature.

- (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 “Quarterly 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 20013 and FY 2014, together with monthly updates.
 - An accounting of certiorari payment activity.

* * *

Chairman Stack added the next item to the agenda with unanimous agreement from the Directors. Chairman Stack stated that in compliance with NIFA’s order to the County Attorney on October 25, the County Attorney submitted to NIFA information on the County’s plan for tax certiorari judgments. He stated that after consulting with staff, outside counsel and its General Counsel, NIFA has concluded that the plan is subject to NIFA’s review for approval or disapproval.

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

Resolution No. 12-402

ORDER REQUIRING THE COUNTY ATTORNEY TO SUBMIT FOR NIFA'S APPROVAL OR DISAPPROVAL THE COUNTY'S PLAN FOR THE PAYMENT OF TAX CERTIORARI JUDGMENTS

WHEREAS, on October 25, 2012, NIFA ordered the County Attorney to submit to NIFA information relating to the County's plan to allow parties to sell or assign their certiorari related awards (the "Plan"), as described in the County Attorney's attached letter to taxpayers; and

WHEREAS, the County Attorney subsequently submitted information to NIFA Staff and held an information session on November 28, 2012 with the Staff; and

WHEREAS, after consultation with the Staff and counsel, NIFA has concluded that the Plan is subject to NIFA's authority to review and, if appropriate, disapprove contracts entered into by the County during the ongoing control period, pursuant to Section 3669 2(d) of the NIFA Act; and

WHEREAS, NIFA has concluded further that the Plan is subject to NIFA's authority to review the terms of each proposed long-term and short-term borrowing by the County during the ongoing control period and, if appropriate, approve such borrowing, pursuant to Section 3669 2(e) of the Act; and

WHEREAS, NIFA, pursuant to Section 3669 2(f) of the Act, shall issue, to the appropriate official of the County, such orders as it deems necessary to accomplish the purposes of the Act,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 3669 2(f) of the Act, NIFA hereby orders the County Attorney as follows:

1. The County Attorney shall submit the Plan for consideration by NIFA, and for approval or disapproval by NIFA, pursuant to the aforementioned Sections of the NIFA Act.
2. The County Attorney shall take no step committing the County to the Plan, including any application, commitment or promise to any Court or any other party, before NIFA shall have exercised its authority to approve or disapprove the Plan.
3. In the event the County Attorney already has made any application, commitment or promise to any Court or any other party relating to the Plan, the County Attorney shall immediately notify such Court and such other parties of the existence of this Order, furnishing a copy thereof.

* * *

The Chairman then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 5:55 PM.

Respectfully submitted,

Laurie A. Boucher
Corporate Secretary