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Proposed Ordinance

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PROPOSED ORDINANCE NO. 1- 2018

AN ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE PAYMENT OF CERTAIN JUDGMENTS OR COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY OF NASSAU, AUTHORIZING \$45,000,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY.

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

Section 1. A capital expenditure in the amount of \$45,000,000 is hereby authorized upon recommendation of the County Executive and by a two-thirds vote of the voting strength of the County Legislature, which expenditure shall be financed with the proceeds from the issuance of \$45,000,000 of bonds, including costs of issuance, for the payment of certain judgments or compromised or settled claims as follows:

Matter	Amount
<i>John Restivo and Dennis Halstead v. Nassau County and Carolann Hesseman, as Executrix for the Estate of Joseph Volpe</i> , Docket No. 06-CV-6720(JS)(SIL), United States District Court for the Eastern District of New York	\$45,000,000

§ 2. The County of Nassau (the “County”) shall issue its bonds in the aggregate principal amount of \$45,000,000 pursuant to the New York State Local Finance Law (the “Law”) in order to finance the specific object or purpose or classes of objects or purposes (the “Purpose”) described in Section 1 of this ordinance.

§ 3. The County Legislature hereby determines that the period of probable usefulness (the “PPU”) of the Purpose for which said \$45,000,000 bonds authorized pursuant to this ordinance are to be issued, within the limitations of Subdivision 33(a) of Paragraph a of Section 11.00 of the Law (“Subdivision 33(a)”), is five (5) years, except that, in accordance with Subdivision 33(b) and (c) of Paragraph a of Section 11.00 of the Law,

(a) if the payment of the Purpose and any combination of the Purpose and any other judgment or judgments, claim or claims, award or awards, or sum or sums, as described in

Subdivision 33(a), falling due in a single fiscal year, amount to more than one (1) per centum of the average assessed valuation of the County, then the PPU of the Purpose is ten (10) years.

(b) if the payment of the Purpose and any combination of the Purpose and any other judgment or judgments, claim or claims, award or awards, or sum or sums, as described in Subdivision 33(a), falling due in a single fiscal year, amount to more than two (2) per centum of the average assessed valuation of the County, then the PPU of the Purpose is fifteen (15) years.

§ 4. The County Legislature has determined and hereby states that the estimated aggregate maximum cost of such Purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$45,000,000. The plan of financing includes \$45,000,000 to be raised by the issuance of bonds authorized by this ordinance, and the levy and collection of taxes on all the taxable real property of the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

§ 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County subject to applicable statutory limitations. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of said bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

§ 6. Subject to the terms and conditions of this ordinance and the Law, and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 through 60.00 and Section 63.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation

of said bonds and the renewals thereof, are hereby delegated to the County Treasurer, the chief fiscal officer of the County.

§ 7. The County Treasurer is hereby authorized to cause such bonds and/or bond anticipation notes to be printed and to do such things as may be necessary to provide for the sale of such bonds and/or bond anticipation notes and to employ bond counsel to furnish to the purchaser or purchasers of such obligations an opinion as to their legality.

§ 8. The validity of any County bonds authorized by this ordinance and any County bond anticipation notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this ordinance, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution of the State of New York.

§ 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as set forth in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

§ 10. The Clerk of the County Legislature is hereby directed to publish this ordinance in full, or a summary thereof, together with a notice in substantially the form prescribed by Section 81.00 of the Law in the official newspaper of the County.

§ 11. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County that the payment of certain judgments, awards, determinations or compromised or settled claims against the County of Nassau is a “Type II” Action within the meaning of Section 617.5(c)(29) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required. A record of such determination shall be maintained in a file, readily accessible to the public, at the office of the Clerk of the Legislature.

§ 12. This ordinance shall take effect immediately upon its adoption.

PROPOSED ORDINANCE NO. 2 –2018

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the District Attorney's Office.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated December 20, 2017, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
501,572	New York State Division of Criminal Justice Services	GRT	CJ	AA	380,847
		GRT	CJ	AB	120,725

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6

N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 3 –2018

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Police Department.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated January 10, 2018, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
1,000,000	United States Department of Treasury of Federally Forfeited Property	GRT	PD	AA	1,000,000

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this

supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 4 –2018

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the District Attorney's Office.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated January 8, 2018, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
114,300	New York State Division of Criminal Justice Services	GRT	CJ	AA	112,300
		GRT	CJ	DD	2,000

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6

N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 5 –2018

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Police Headquarters Fund and a transfer of appropriations.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such sums have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated January 17, 2018 addressed to the County Legislature, has recommended the appropriation of such sums not otherwise appropriated and requested the simultaneous transfer of such sums between budgetary funds; and,

WHEREAS, this simultaneous supplemental appropriation and transfer of appropriations is within the scope of Section 307 of the County Government Law; and

WHEREAS, in order to accomplish the aforementioned supplemental appropriation, it is necessary that the simultaneous transfer of the subject sums between budgetary funds occur; and

WHEREAS, the simultaneous transfer and supplemental appropriation has been reviewed and approved by the Office of Management and Budget and the Office of the County Executive now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby a transfer of appropriations within the budget year 2017 which is known as BT-17000052 and will be as follows:

	<u>CODE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>FROM</u>			
	GEN-AC-10-AA	Commissioner of Investigations – Salaries and Wages	\$100,000
	GEN-BU-10-HD	Office of Management and Budget – Debts Service Chargeback	\$2,700,000
	GEN-BU-10-DE	Office of Management and Budget – Contractual Expenses	\$500,000
	GEN-CC-10-AC	NC/Sheriff/Correctional Center – Workers Compensation	\$1,000,000
	GEN-CC-10-DE	NC/Sheriff/Correctional Center – Contractual Expenses	\$980,000
	GEN-AS-10-AA	Assessment Department – Salaries and Wages	\$300,000
	GEN-CC-10-AA	NC/Sheriff/Correctional Center – Salaries and Wages	\$900,000

	GEN-SS-63-SS	Social Services – Recipient Grants	\$500,000
	GEN-SS-73-XX	Social Services – Medicaid	\$1,800,000
	GEN-SS-70-SS	Social Services – Recipient Grants	\$300,000
	GEN-SS-61-SS	Social Services – Recipient Grants	\$200,000
	GEN-SS-60-SS	Social Services – Recipient Grants	\$1,000,000
	GEN-SS-10-DE	Social Services – Contractual Expenses	\$500,000
	GEN-IT-10-DE	Information Technology – Contractual Expenses	\$500,000
	GEN-CS-10-AA	Civil Service Commission – Salaries and Wages	\$500,000
	GEN-ME-10-AA	Medical Examiner – Salaries and Wages	\$150,000
	GEN-PW-03-DE	Department of Public Works – Contractual Expenses	\$500,000
	GEN-HE-10-AA	Health Department – Salaries and Wages	\$150,000
	GEN-PW-01-AA	Department of Public Works – Salaries and Wages	\$300,000
	GEN-PW-02-AA	Department of Public Works – Salaries and Wages	\$350,000
	GEN-PW-03-AA	Department of Public Works – Salaries and Wages	\$150,000
	FCF-FC-10-AA	Fire Commission – Salaries and Wages	\$620,000
	TOTAL		\$14,000,000
<u>TO</u>	GEN-BU-10-LH	Office of Management & Budget – Transfer to PDH	\$13,380,000
	FCF-FC-10-LH	Fire Commission – Transfer to PDH	\$620,000
	TOTAL		\$14,000,000

§ 2. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
14,000,000	General Fund – Interfund Account in the Police Headquarters	PDH	PD	AA	14,000,000

§3. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing

Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 4. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 5. This ordinance shall take effect immediately.

