

PROPOSED RESOLUTION NO. 116 - 2021

A RESOLUTION AUTHORIZING THE ACTING COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF PLAINTIFF, AS SET FORTH IN THE ACTIONS ENTITLED *KEYSPAN GENERATION LLC, ET AL. V. NASSAU COUNTY, ET AL.*, INDEX NO. 11440/1999, AND *LONG ISLAND LIGHTING COMPANY V. THE BOARD OF ASSESSORS, ET AL.*, INDEX NO. 11695/1997, PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE

WHEREAS, KeySpan, n/k/a National Grid, and its predecessor in interest, Long Island Lighting Company (the “Plaintiffs”) commenced lawsuits against the County of Nassau (the “County”) entitled *KeySpan Generation LLC, et al. v. Nassau County, et al.*, Index No. 11440/1999, and *Long Island Lighting Company v. The Board of Assessors, et al.*, Index No. 11695/1997, alleging certain improper property assessments for which the County was found to be liable; and

WHEREAS, the only remaining issue to be determined at trial is the amount of refund and interest owed to the Plaintiffs; and

WHEREAS, the County has agreed to make payments to the Plaintiffs in the total amount of \$62,000,000 to be paid in four equal installments of \$15,500,000 commencing on December 30, 2021, with the final payment no later than December 30, 2024, inclusive of principal and statutory interest in full settlement of all possible claims the Plaintiffs may have against the County arising from the matter upon which the actions were based; and

WHEREAS, the Acting County Attorney has caused an investigation and analysis to be made of the said actions and as a result thereof recommends that settlement be made in the amount set forth above; now therefore, be it

RESOLVED, that the Acting County Attorney be and is hereby authorized and directed to settle the said actions in the amount as indicated above, provided that, if any payment arising from said actions is to be made from the proceeds of a borrowing, that a bond ordinance to finance such settlement is adopted by this Legislature and any borrowing pursuant to such bond ordinance is approved by the Nassau County Interim Finance Authority, if such approval is required; and be it further

RESOLVED, that the County Treasurer be and is hereby authorized to pay a maximum of \$62,000,000 to be paid in four equal installments of \$15,500,000 commencing December 30, 2021 with the final payment no later than December 30, 2024 as directed by the Acting County Attorney,

to the attorneys for the Plaintiffs upon receipt of a Settlement Agreement and Limited Release; and be it further

RESOLVED, that 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 settlement is a “Type II” Action within the meaning of Section 617.5(c)(26) 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.

