

**PROPOSED ORDINANCE NO. 79 - 2014**

BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE CAPITAL PROJECTS SPECIFIED HEREIN WITHIN THE COUNTY OF NASSAU, AUTHORIZING \$14,400,000 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.

WHEREAS, pursuant to Section 310 of the County Government Law of Nassau County, the Nassau County Legislature by Ordinance No. 86-2013 approved and adopted the Capital Budget of the County of Nassau for the fiscal year beginning January 1, 2013 and ending December 31, 2013 (the “Capital Budget”); and

WHEREAS, pursuant to Section 310 of the County Government Law of Nassau County, the Nassau County Legislature by Resolution No. 101-2013 approved and adopted the four-year Capital Plan for the County of Nassau for the fiscal years 2013 – 2016 as may be amended (the “Capital Plan”); and

WHEREAS, pursuant to Section 310 of the County Government Law of Nassau County, the County Attorney of Nassau County is required to submit to the County Legislature such proposed bond ordinances as are necessary or desirable to authorize the bonds contemplated by the Capital Budget as approved and amended; and

WHEREAS, this bond ordinance is necessary to authorize such bonds for the purpose of funding the projects in the Capital Budget, as approved and amended, identified under the heading “Project” on Appendix A attached hereto and incorporated herein (each, a “Project”); and

WHEREAS, the Nassau County Department of Public Works submitted to the Nassau County Planning Commission an Environmental Assessment Form for each Project

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.

Section 7. 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 to 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.

Section 8. 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.

Section 9. 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 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.

Section 10. 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.

Section 11. 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.

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

**APPENDIX A**  
**to Bond Ordinance**

Project Number	Project	Amount	PPU	LF	NYCRR	SEORA DETERMINATION
81011	Hazardous Waste Response Fund Phase II	\$ 14,400,000.00	5	11.00 a.35	617.5(c)(33)	Type II
	General Capital Total	\$ 14,400,000.00				

1. 100-132012

2. 100-132013