	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	NASSAU COUNTY LEGISLATURE
3	FULL LEGISLATURE MEETING
4	* * * * * *
5	RICHARD NICOLELLO, PRESIDING OFFICER
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7	*****
8	BUDGET REVIEW COMMITTEE
9	MICHAEL GIANGREGORIO, CHAIRMAN
10	* * * *
11	Hearing Of
12	Official Close of Fiscal Year 2022
13	And
14	The 2023 Fiscal Year Mid-Year Report
15	* * * * * *
16	
17	County Executive and Legislative Building
18	1550 Franklin Avenue
19	Mineola, New York
20	* * * * * *
21	Monday, August 7, 2023
22	10:15 p.m.
23	
24	
25	TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER
	TOP KEY COURT REPORTING, INC. (516) 414-35161

	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	COMMITTEE MEMBERS:
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5	LEGISLATOR MICHAEL GIANGREGORIO, CHAIRMAN
6	LEGISLATOR JOHN FERRETTI, JR., VICE CHAIRMAN
7	LEGISLATOR HOWARD KOPEL
8	LEGISLATOR KEVAN ABRAHAMS
9	LEGISLATOR ARNOLD W. DRUCKER
10	
11	* * *
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13	MICHAEL PULITZER
14	Clerk of the Legislature
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	APPEARED:
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4	ANDY PERSICH, OMB
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6	ELAINE PHILIPS, COMPTROLLER
7	BETSY HILL
8	LISA TSIKOURAS
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[NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	CHAIRMAN GIANGREGORIO: Good morning,
3	everyone. We're going to get started. I'd
4	ask the members of the Legislature and
5	everyone in attendance in the Chamber to
6	please rise as we do the Pledge of
7	Allegiance. Deputy Presiding Officer,
8	would you please lead us?
9	(Whereupon, the Pledge of
10	Allegiance is said by all.)
11	CHAIRMAN GIANGREGORIO: Will the
12	clerk please call the roll?
13	CLERK PULITZER: Thank you,
14	Chairman. Budget Review Committee: Kevan
15	Abrahams?
16	LEGISLATOR ABRAHAMS: Here.
17	CLERK PULITZER: Thank you. Arnold
18	Drucker.
19	LEGISLATOR DRUCKER: John Ferretti?
20	LEGISLATOR FERRETTI: Here.
21	CLERK PULITZER: Howard Kopel?
22	LEGISLATOR KOPEL: Here.
23	CLERK PULITZER: Chairman Michael
24	Giangregorio.
25	CHAIRMAN GIANGREGORIO: Here.
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2	CLERK PULITZER: We have a quorum,
3	sir.
4	CHAIRMAN GIANGREGORIO: Thank you
5	very much.
6	Good morning, ladies and gentlemen,
7	and welcome to today's hearing of the
8	Budget Review Committee, the subject of
9	which is, The Official Close of Fiscal
10	Year 2022 and 2023 Fiscal Mid-Year
11	Report. I'd like to acknowledge the
12	attendance of Budget director Andrew
13	Persich and their teams and thank you for
14	your contributions.
15	Proceeding with item number one. Mr.
16	Persich, please begin your presentation.
17	MR. PERSICH: Good afternoon,
18	everybody. Thank you for hearing us
19	today. I would like my team next to me is
20	Chris Nolan, Irfan Qureshi and Irina
21	Sedighi and my team upstairs who is not
22	here. I couldn't do a lot of this work
23	without them, so I have to thank them
24	before we even get started.
25	So as the tides would turn, the
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2	County's fiscal position, as we all are
3	aware, has made a monumental upgrade to
4	where it was five years ago. The County
5	is probably in the best fiscal position
6	it's been in in many years, but we still
7	have challenges that present itself in
8	front of us right now and there are many
9	of those out there, but we'll get to that
10	in the middle of the presentation.
11	(Whereupon, slides are
12	displayed and referred to
13	throughout the presentation.)
14	MR. PERSICH: If you go to the first
15	slide, I'm going to go over this.
16	This is how we know we're on the
17	uptick. We've gotten four bond upgrades
18	over the past couple of years, which is
19	telling the investor market that the
20	County is definitely made substantial
21	strides in fixing its fiscal position.
22	That's reflective in some of the rating
23	upgrades we've got. Moody's went from an
24	Al to an A3, Standard and Poors gave us a
25	AA- and and Fitch upgraded us to A+. So

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we have in the eyes of the world out
there, which is how we measure ourselves,
meaning myself and the financial world,
have made significant strides in the
fiscal position of the County.

So I'm going to do 2022 and then I'll get into 2023. And then some of the challenges we'll be facing in 2024. But let me start with that the County finished with a positive operating Fund Balance of 42.2 million as compared to 31 in 2021. That said, we moved some money into reserves strategically, which have been allocated to address the existing liabilities out there. If not for these reserves, we'd put a strain on the taxpayers, which we get some significant judgments on anything out there.

Some of the challenges I will say right now outside of while sales tax is plugging along, I will say litigation is probably one of the biggest risks we have out there right now. Some of the size of the judgments that are coming out of the

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2	courts have been significant, which is
3	good and bad. I mean, and that becomes
4	problematic for us with some of the
5	positions we're in. So that's one of the
6	guarded things we need to be cognizant of
7	that some of the things that we're
8	getting judicial verdicts on are
9	significant, so we have to keep that in
10	the back of our minds.
11	The other challenges we have coming
12	ahead is, as everybody knows, the real
13	estate market has taken a left turn here
14	or a downward turn, which we're not
15	seeing significant revenues coming in
16	even from mortgage recording and
17	everything else. Forget about the fee
18	problem that we had with the GIS tax map,
19	we're having a volume decrease and that's
20	creating a little hole in the budget.
21	That said, there's an upside to the
22	investment income because of the cash
23	position that we have. So we're kind of
24	offsetting that and managing that. But
25	just to give you a bellwether where we're
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2	at. We're starting to see inflation have
3	some problems and some uptick in
4	caseloads and certain Social Service and
5	Health Human Services arena.
6	With that said, I'm going to go
7	through 2020 and where we are in our
8	strongest financial position in years.
9	We've had several consecutive years of
10	surpluses, strong cash position, which is
11	a big thing because we're not doing any
12	short term borrowings anymore. We've
13	mitigated that. It's a benefit to us
14	because our debt service has dropped as a
15	result of that because we're not doing
16	short term borrowings and in this highly
17	increasing rate market, it's beneficial
18	that we're not going out to the market
19	right now. It's so volatile out there,
20	especially in the fixed income market. We
21	have to be cautious of how we do things
22	and how we spend the cash and watch the
23	cash flows. But right now we're in a
24	very, very good position. And this
25	Administration has taken lots of pride in
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2	keeping the expenses down and under
3	control. So I will say that we've made
4	monumental steps and the County's
5	position is much better than I've been
6	sitting here when I first started here.
7	We can all attest that. And that's
8	between the work of the Administration
9	and this Body who's made this turnaround
10	into something that we can proudly talk
11	about.
12	2022 finished with approximately \$26
13	million in surplus, which fell into the
14	Fund Balance. Majority of that was mostly
15	from, I would say, from sales tax and
16	some expense savings and debt service and
17	other, which probably would be money that
18	we allocated for tax certs and judgments
19	and claims that we didn't pay out, but we
20	put that money into a bucket in the
21	reserve. So that's going to be the plan
22	going forward, meaning we had excess
23	appropriations in the Operating Budget
24	and we transferred those monies into the
25	reserves that we have out there for certs

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2	and litigation liability. We've also
3	moved some money around just to cover
4	ourselves for the future.
5	Departmental revenues are still
6	struggling, I will say that much, in
7	certain arenas as I covered with the real
8	estate market and some other things. Our
9	red light camera program, which is
10	another thing we're starting to see if
11	behavior returns to where it was
12	pre-pandemic, we will start seeing an
13	uptick again, which we're starting to
14	see, especially in traffic out there. If
15	anybody's been driving lately, you could
16	see that we're back almost normal. The
17	traffic is getting bad. So I think
18	that's, you know, good and bad. Driver
19	behavior and everything else is one of
20	the main drivers. You get a young kid who
21	doesn't read the sign, like my kid
22	wouldn't, and they make the right on red
23	without stopping. But that said, I think
24	those are the struggles we will be
25	facing.

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2	We also have to incorporate the fact					
3	that we are going to have problems. Our					
4	our debt load is going up. But as a					
5	result of that, because of the ratings,					
6	we're in a better place. But we also have					
7	to be cognizant that this increasing rate					
8	environment is putting a lot of stress on					
9	what the debt service payments will be					
10	in the future. So we're sizing and we're					
11	managing our Capital Budget to see when					
12	the immediate needs are and to get that					
13	money into the proper places for what we					
14	need.					
15	Our infrastructure, one of the					
16	things we can say is, is that we've					
17	turned the page as far as not borrowing					
18	for Operating Funds. So now we're					
19	concentrating on building back up our					
20	infrastructure, which has been somewhat					
21	neglected, and we're putting a lot of					
22	money into that. And I think that's very					
23	important because the County has valuable					
24	assets they need to maintain between					
25	sewers, some of the the buildings that we					

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2	have to provide the services and
3	everything else, and to provide the
4	residents with paving roads and
5	everything else that we may need to do.
6	So we're back on a schedule of improving
7	the County's infrastructure.
8	I'm going to flip to the sales tax
9	page. I just want to tell you where we
10	finished and where we're at. Again, we
11	had a conservative estimate in 2022 for
12	sales tax and we finished about \$125
13	million over that. We're projecting,
14	because of inflation and I think some of
15	the pent up demand from COVID, is going
16	to diminish. But as you can see, we're
17	probably going to finish this year. We're
18	projecting about \$40 million higher than
19	where we originally intended. Could go
20	up; could go down. We have to be cautious
21	out there because while I keep saying the
22	recession word hasn't hit yet, I think
23	we're going to start seeing the tip of
24	the iceberg coming up shortly. I'm not an
25	economist, I don't want to tell you that.

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2	But the rainy day might be coming sooner					
3	or later. When that happens, we have to					
4	be very cognizant that this is the single					
5	largest revenue stream withinside the					
6	County, and we have to manage that					
7	appropriately.					
8	What we've done, you'll see in the					
9	upcoming slides, is we've created					
10	contingencies exactly for this. So our					
11	fiscal position is protected. We					
12	fortified it. There's no issues. If					
13	something goes sideways, we have some					
14	money in the bank to cover all these					
15	expenses, which is beneficial not only to					
16	this Body but to the taxpayers too, and					
17	the base out there that we don't have to					
18	do any crazy revenue increases or					
19	anything else. We're being protective of					
20	that.					
21	For 2023, as you can see, we're					
22	going to project a roughly a \$4 Million					
23	surplus. We're moving some money into					
24	reserves as a result of that, but our					
25	sales tax is still stronger. Some of our					
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2	expense controls are still in place.					
3	Our direct assistance, which is what					
4	I was leading to, was probably the thing					
5	that we're starting to see, which is kind					
6	of like an indicator that the recession					
7	is coming. We're starting to see some					
8	higher caseloads in the DSS arena, for					
9	certain, of the social programs. We have					
10	to be cognizant of that may be coming up					
11	in a '24 Budget, and some other things					
12	that are out there looming that we don't					
13	know about some judgments and claims and					
14	tax certs and everything else, which I					
15	will get to.					
16	But for the most part, our sales tax					
17	is driving up. We get a little bit more					
18	in State Aid and some of our other					
19	revenues, which, I will say, in the parks					
20	and other arenas and investment income,					
21	are driving to keep the budget still					
22	balanced and in a surplus position, which					
23	is the primary role of what we have to do					
24	and keep the budget balanced. And that's					
25	part of my role.					
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2	Again, I'll just go over some of the					
3	highlights of 2023. Again, it's sales					
4	tax, which if you look at the slide, it's					
5	2.6% over the 2023 budget and it's					
6	trending a little higher. But we're being					
7	actually a little conservative in our					
8	estimates. We monitor it daily. I happen					
9	to watch the checks when they come in					
10	because I have to hold my breath that					
11	there will come some bumps earlier in the					
12	year, but it's kind of smoothed itself					
13	out.					
14	What you're seeing, I think, too, is					
15	some of the the travel behavior of					
16	people. People are staying more local,					
17	not traveling as far. And I think that's					
18	creating a benefit to us. I think some of					
19	the things that the County is offering					
20	and some of the things that are out there					
21	making people stay home for whatever					
22	reasons, whether it be hotel costs or gas					
23	prices or anything else, you're seeing a					
24	few more staycations, which is probably					
25	helping us, which is offsetting the part					

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2	of the housing market diminishing. When					
3	the housing market is strong, it's a					
4	multiplier effect on sales tax. You buy					
5	the house, you have to buy the furniture,					
6	you got to buy all the new stuff that					
7	goes with it. So we're seeing an offset					
8	to that. But I think that's being offset					
9	by, I guess maybe some of the tourism					
10	aspects and people staying local. Plus					
11	inflation. As prices go up, the sales tax					
12	number goes up.					
13	Let me cover contract negotiations.					
14	Contract negotiations are ongoing. We					
15	still have three collective bargaining					
16	units that are outstanding and we're					
17	working through that. I can't say more					
18	than that at this point. Hopefully, we					
19	will have some resolutions on the final					
20	ones before the end of the year or if not					
21	sooner.					
22	I think I've covered the revenue					
23	assumptions for this. What's the driving					
24	forces and what the negatives are as far					
25	as the revenue side. We have to be very					
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2	careful and this is where I tread rather					
3	lightly here. Our revenue side is what					
4	pays for the bills. So if we start to see					
5	some sluggish things, we have to be					
6	cognizant that we don't want to go					
7	through any monumental fee increases or					
8	anything else to cover the shortfall that					
9	sales tax may create. So for this year's					
10	budget, we will be looking at that just					
11	to make sure if we have modifications					
12	that need to be made. I want to make sure					
13	that the revenue side needs to be					
14	fortified where it's at right now. Let's					
15	make sure that we're not doing anything					
16	crazy. I will work with this Body, of					
17	course, but I just want to let you know					
18	that is one of the driving factors, our					
19	sales tax number. I know it's a source of					
20	sensitive subject here, but we do have to					
21	be cognizant that that could go south.					
22	And if that does, we have to just fortify					
23	it.					
24	On Slide ten, the Multi Year Plan					
25	Update, we are balanced. As you can see,					
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2	some of our revenue assumptions keep
3	in mind that the collective bargaining
4	pattern that we've created sets up the
5	path where these are the years now.
6	Because it's 5 or 6 years since we
7	haven't had contracts, these are when we
8	pattern bargain that the numbers go up a
9	little bit higher in the back end years.
10	So when you look, if you look at salary
11	and fringe benefits in the Multi Year
12	Plan, we're almost at \$1.7 Million.
13	That's just the result of collective
14	bargaining and the step increases and
15	everything else. So it's the main force,
16	it's the driving force, but we're doing
17	fiscally prudent patterns that makes the
18	County's fiscal position much better than
19	what it was and will continue down that
20	path so we can maintain a balanced budget
21	and hope our friends at NIFA go away.
22	In the Multi Year Plan, too, what
23	we've included was rather conservative
24	sales tax growth. Again, salaries and
25	fringes are current with current labor

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2	negotiations. Our tax certs have been					
3	budgeted and I will get to that in a					
4	little while where we are with the tax					
5	certs. But we've also included					
6	contingency reserves in the plan as a					
7	result of the benefit of sales tax being					
8	up, which gives us flexibility, which					
9	takes away a lot of the risk that might					
10	be out there for our friends at NIFA and					
11	everywhere else, and including a downturn					
12	in the economy.					
13	Our suits and damages, we're keeping					
14	pretty high, which is good as I said					
15	earlier. One of the things we are seeing					
16	is a lot more higher judgments coming					
17	out. And we have to adapt to that at this					
18	point.					
19	But for the most part, I would say					
20	that when you look at the Plan, it's it's					
21	a conservative fiscal plan. It's got some					
22	risks, as does every budget. But I will					
23	say we're in a good place financially in					
24	order to get us to the next step in the					
25	next few years, which is what we have to					
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2	look at. That's why we use the Plan as a
3	basis for what we build the budget off
4	of. It kind of is the building blocks.
5	When we go into doing my budget right
6	now, the Plan is kind of what we set the
7	benchmarks for the departments and where
8	they're at and then we manipulate because
9	the needs change as time goes on. There's
10	certain things that I can't control.
11	You know, look, it could be one or
12	two things. The last recession Katrina
13	hit. I remember back then and then
14	everything started going sideways. There
15	is always some catalyst that makes the
16	economy turn. What that is, I don't know.
17	But history will tell you that there's
18	some event that will occur that will make
19	the economy slow down. Considering the
20	election cycle that comes up in
21	Washington, that will be a determining
22	factor. Which if you look at charts, I
23	will tell you, you see spikes during
24	those years right before a presidential
25	election. So stay tuned on that is all I

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2	can tell you.
3	One of the focus that the County
4	Executive has made one of his mandates
5	is, is that we have to look at the
6	balance sheet for a change, which is
7	something we never did. We were just
8	looking to make sure we had enough money
9	to pay the bills. Now we're trying to
10	mitigate some of the risk that's out
11	there. So one of the things we did do,
12	which has been one of the things that the
13	State offered to give municipalities,
14	they had an amortization program, which
15	meant we just borrowed money from the
16	state to pay our pension bill. We are now
17	current on our bills with the State and
18	we plan on being current, so no more
19	amortization for the pension bill. That's
20	a good thing. It's a credit worthy thing.
21	So we're very happy about that.
22	The Tax Cert Liability, which I will
23	get to, is approximately \$384 million as
24	of the year end. We've paid a lot of
25	money out. We're continuing to work with
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2	them. Again, it's still one of the
3	largest liabilities that we have out
4	there, but we are addressing it. And I
5	think over the next few years, we will
6	probably diminish that that backlog down
7	to a lower number. So there's not a lot
8	of interest payments and everything else.
9	We meet regularly, we meet quarterly with
10	the Tax Cert Board to go over where we're
11	at and everything else. And there's some
12	ongoing things with some of the old death
13	and new death that's being worked out
14	right now that may be used as a resource
15	for additional funding to clean up the
16	backlog.
17	So with that said, I just want to
18	let you know that last year, which was
19	probably the highest year we ever paid
20	out, approximately \$200 million, of which
21	there's all different funding sources.
22	But I will say that the Special Revenue
23	Fund has been used to do that. We strive
24	to get the money out the door. I think
25	our best effort will be between \$200-300
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2	million would be our best, which last
3	year was probably one of the top to get
4	that money out the door to lower the
5	interest component of it. But that said,
6	it is still a negotiation and a
7	settlement. That takes a little time
8	because some people don't want to settle
9	right away. We are working through that.
10	For this year, as of right now,
11	because of timing issues and everything
12	else, we've paid out \$82 million. We plan
13	on probably hitting the \$200 million
14	mark. No matter what we do, we will still
15	have cert liability. It's just the fact
16	that we're going to have to do that,
17	because if you look even with the
18	assessment system and everything else, no
19	matter what we do, we will still be
20	recurring between \$75-100 million in cert
21	liability, which when you look at the tax
22	base, it's not that big. But now we have
23	the means to fund it and keep it current
24	so that we don't keep this wheel of the
25	9% and the 3% rule with certs, which is a
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2	big component of what some of those
3	larger settlements have grown into.
4	We're mitigating that that way.
5	I'm going to summarize really
6	quickly. I was brief, I hope I was.
7	Our bond upgrades, we should all
8	take pride in that. That's something, I
9	know to to the the local person, it
10	doesn't mean anything, but to the finance
11	people it means something. So it's a good
12	thing for everybody from the
13	Administration down to this Body. It's
14	something you should all be thankful that
15	you got. It's an accomplishment is what
16	I will say.
17	We have a very extremely resilient
18	economic base because most of the stuff
19	that we're doing here in the bio and the
20	medical field creates a very good base
21	for us. It's a it's a multiplier effect.
22	Good healthcare, good public safety
23	attracts people to come to want to live
24	here in Long Island. So I think that's
25	something we have to just be cognizant
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	of.
3	Our reserves are the highest they've
4	been ever. We are structurally balanced
5	in the budget. We are addressing the
6	backlog, the litigation backlog, and our
7	cash position remains strong and we
8	continue to fortify our balance sheet.
9	I know I talked fast on that one,
10	but I'm here to field any questions that
11	this body may have for you, and I look
12	forward to working with you as we present
13	the 2024 budget.
14	CHAIRMAN GIANGREGORIO: So thank you
15	very much. I do have one question. Our
16	reserves, our surplus, where is that
17	money invested in?
18	MR. PERSICH: We do have an
19	investment structure. We have an
20	investment policy that's guided by the
21	State that we have driven down. We've
22	diversified our cash holdings in
23	financial institutions, we've diversified
24	it to protect ourselves. Our deposits by
25	state law have to be collateralized with

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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
2	either US treasuries or some other
3	reasonable facsimile of that. We got a
4	little scared with Signature Bank in a
4 5	couple of the other things, but we were
6	protected from that. And again, we do
7	have collateralization.
8	In 2007, '08, '09, when the fiscal
9	crisis was going on, I will tell you,
10	getting collateral cash became very hard
11	to park with banks because of the
12	restrictions that we had. The rates were
13	horrible on them too. You were getting a
14	quarter point and everything else. Now
15	flip that slide, it goes the other way.
16	We're getting 4-5% on our money sitting
17	out there on sizable cash balances.
18	CHAIRMAN GIANGREGORIO: Banks are
19	paying a fortune on their reserves, so
20	they just didn't want the cash.
21	MR. PERSICH: That was the whole
22	thing with the new requirements when they
23	went through that, which was Basel III or
24	whatever that was. That was one of the
25	things, the capital withinside the
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2	financial firm was one of the things. Our
3	deposits to them, while we give them the
4	cash, they have to collateralize it so we
5	don't get the same amount as a retail
6	person in a CD because they net down the
7	cost of buying the securities against the
8	cash that we're buying. Instead of
9	getting six, we get probably getting
10	between 4 and 5. They take a haircut off
11	those balances.
12	CHAIRMAN GIANGREGORIO: And we're
13	prepared for a possibility of a rate
14	decrease at the end of the fourth
15	quarter?
16	MR. PERSICH: We are ready for it. I
17	will say that much. It will impact my
18	investment income, but it also will
19	offset because my borrowing costs will
20	then drop too. There are gives and takes
21	to how we have to look at it. One of the
22	benefits we will get, is that if rates
23	decrease, that means my borrowing costs
24	go down. And as a result of our good
25	standings, we're getting very good rates.
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2	Even on the last thing we did so. So
3	we're in a good place financially when it
4	comes to that.
5	CHAIRMAN GIANGREGORIO: Thank you.
6	MR. PERSICH: No problem.
7	CHAIRMAN GIANGREGORIO: Any
8	questions from the Legislature?
9	Deputy Presiding Officer.
10	LEGISLATOR KOPEL: Thank you,
11	Chairman.
12	Can you can you tell us, Andy, the
13	one shot, even without that, we still
14	have a surplus? Would that be right?
15	MR. PERSICH: Correct. Yes. We have
16	an organic surplus. That's just adding, I
17	always say, a little bit more gravy to
18	the to the meal.
19	LEGISLATOR KOPEL: It's great that
20	we're building up those reserves. You
21	know, who knows.
22	I think you've dealt with pretty
23	much everything, thanks for that.
24	MR. PERSICH: We've strategically
25	placed money into the reserves for
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2	liabilities that will be coming up so
3	that the budget, if it can't handle it,
4	let's say a retirement tick, which, you
5	know, if the market goes south, they
6	amortize it in the state pension system,
7	but at least we have flexibility within
8	there.
9	The other thing we're going to do,
10	too, which is a big thing, we're going to
11	retire some debt at some point. That's
12	what we're working on right now. Some of
13	the old debt that has high yield out
14	there. Not only will it have we take
15	the cash out of the bank and there's that
16	offset and everything
17	LEGISLATOR KOPEL: How much of that
18	is eligible for retirement?
19	MR. PERSICH: It depends what's
20	callable. There's about \$100 million out
21	there that we've identified that we would
22	like to retire, which has higher yielding
23	out there. So we're looking into doing a
24	defeasement. What'll happen is I'll get
25	budgetary savings in the upcoming years
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	in debt service, which gives
3	LEGISLATOR KOPEL: You plan to not
4	replace that. Just pay it out
5	MR. PERSICH: Just pay it. We're
6	not refunding what we're doing. We're
7	just paying it off and calling it. First
8	time I can honestly say that we're
9	sitting having a different conversation.
10	But you know, some of that money we have,
11	there's a plan to spend it and I want to
12	spend it sooner rather than later. One
13	of the things is, is that we have to look
14	to the future which anything that we do
15	now will have future impacts. And the
16	unknown if we retire some debt, it could
17	free up between 7 and 15 million of debt
18	service, which will offset any rising
19	costs that we may have or impact and
20	increasing caseloads and everything else
21	in the DSS and any revenue shortfalls
22	that may occur.
23	LEGISLATOR KOPEL: On the cert
24	liability, you're looking to get it
25	decreased within the next year or two.
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2	Down to what?
3	MR. PERSICH: Realistically?
4	Legislator, it would probably be 2 to
5	2-and-a-half years because we can only
6	process so much. I would say that by the
7	end of next year, you should see a
8	significant drive down. If you saw we're
9	down from where we were, even though the
10	LIPA was in there, that was the biggest
11	component. It was in the 600, almost 700
12	million. But if we're pumping out 200-300
13	and we have 100 coming in, we're netting
14	about a \$100 million reduction every
15	year. So I would say by 2026, we should
16	have most of that backlog paid down.
17	Maybe before, but that would be my target
18	at this point.
19	LEGISLATOR KOPEL: Thanks.
20	CHAIRMAN GIANGREGORIO: Legislator
21	Ferretti.
22	LEGISLATOR FERRETTI: Hi, Andy.
23	Thank you for your presentation.
24	MR. PERSICH: Thank you.
25	LEGISLATOR FERRETTI: Appreciate it.
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2	Good to hear a positive outlook. I think
3	the bond rating upgrades are really an
4	accomplishment that we should all be
5	proud of. Great news.
6	I do have some questions. I have
7	questions about NIFA. But before I get to
8	that, just some miscellaneous questions
9	based on your presentation.
10	With regard to the tax cert
11	liability, I want to make sure I
12	understood what you're saying. We're
13	paying it down, but at the same time,
14	each year we're accruing about \$75-100
15	million in additional tax cert?
16	MR. PERSICH: Correct.
17	LEGISLATOR FERRETTI: For the year
18	2023, we're up to about \$85 million paid
19	down, that may cover the amount that we
20	encumber for this full year, correct?
21	MR. PERSICH: Correct.
22	LEGISLATOR FERRETTI: But you are
23	planning on continuing to pay it down the
24	rest of the year. So if you double that
25	to 170, but you take in 100, we're paying
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	down \$70 million. That's that's how it
3	works?
4	MR. PERSICH: That is correct. I
5	just want to manage expectations. As
6	fast as we try and get that money out
7	it's just it's a complex web, I will say.
8	But keep in mind that if we pay, if we're
9	paying down \$200 million annually and we
10	get 100 and new liability, we're netting
11	100. So you can do the math.
12	Hopefully, it'll work out and
13	there's not some sideways thing in the
14	real estate market that creates a larger
15	liability.
16	LEGISLATOR FERRETTI: Not to put
17	unreasonable expectations out there. Or
18	to quote our Legislator Drucker and my
19	baseball team's owner, but a 3 to 5 year
20	plan maybe where we're paying it down is
21	something that is feasible?
22	MR. PERSICH: I would say that's
23	achievable.
24	LEGISLATOR FERRETTI: Just to
25	comment with regard to the red light
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camera revenue, and I know it's been down, personally, to me, traffic's never been worse. It's everywhere you go. It's crazy. I just think that it's working. I think the red light camera program is working. I mean, the goal is not to make revenue on the red light cameras. It's to get people to change their behavior and stop. And I think that that's what's happening. People see that there's red light cameras. They're used to it and they're learning. Maybe this is not for now and it's for when we're looking at next year's budget, but I personally don't think we're going to see an increase in revenue in that because I think people's behavior is changing and I think that's an indication that the program is working. I'm not even asking for a response. Maybe you're not the proper person to ask about this, but the the budget for the Health Department, specifically with

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early intervention and preschool has

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2	increased dramatically. That was in the
3	year 2023 that it increased dramatically,
4	right?
5	MR. PERSICH: It's been ticking up
6	the past two years. As a result, I would
7	say, COVID created a problem in the
8	system with some of the needs. We find
9	that some of the preschool and the
10	kindergarten kids need more early
11	intervention needs. We're watching it.
12	We're monitoring it. It's been going up
13	dramatically. There's talk about rate
14	increases and a few other things of the
15	service providers. Keep in mind, we get
16	56% back from the State from that. So if
17	it goes up, we get it's a 50/50 split.
18	But we are seeing an increase in
19	caseloads.
20	LEGISLATOR FERRETTI: Tremendously,
21	from what I understand. All right. We
22	can all figure out why. I mean, obviously
23	with the schools closed and kids not
24	getting what they needed, there's an
25	issue there. And we want to, of course,
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2	help the kids that need help.
3	What is the process in determining
4	whether early intervention is needed?
5	Rather than even the process, what are
6	the amount of applicants that are
7	requesting it and how many are actually
8	getting it?
9	MR. PERSICH: That I don't have the
10	statistics on, Legislator. I would defer
11	to the Health Department.
12	Here's the way I understand the
13	process: Preschool, the County is
14	involved more with the process. But it's
15	the school district where the student
16	resides that make the determination what
17	services they need.
18	LEGISLATOR FERRETTI: Right. So the
19	school districts determine when it's us
20	that has to pay for it. But then when
21	they actually go into the school
22	district, you see the numbers drastically
23	declining.
24	MR. PERSICH: Yes.
25	LEGISLATOR FERRETTI: Who makes the
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2	determination that the school districts
3	are the ones that have to review what we
4	have to pay for?
5	MR. PERSICH: I believe it's set by
6	New York State Education Law.
7	LEGISLATOR FERRETTI: The State
8	requires that the school make a
9	determination that the child needs this
10	early intervention. We pay for it. And
11	then when they go to actual school
12	district, all of a sudden, the numbers
13	drastically declined.
14	MR. PERSICH: Yes, your analysis is
15	something that I've seen, and we're
16	cautiously watching. There are some
17	things that we're working on with NYSAC
18	and everything else to maybe put a cap on
19	that for us. Meaning the Medicaid cap
20	that we have out there. But I would agree
21	with that assessment. And I understand
22	this, the need is out there for the kids,
23	but I also find it odd that it falls off
24	once they become part of the school
25	district's problem, which we all just

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2	have to be cognizant of.
3	LEGISLATOR FERRETTI: We want to get
4	the kids to help they need. Look, it
5	seems to me and I know you don't have the
6	numbers, but I would venture to guess
7	that the amount of people that request
8	this assistance and the amount of people
9	that get it are very, very close.
10	MR. PERSICH: I would say yes.
11	LEGISLATOR FERRETTI: When we're
12	paying for it.
13	MR. PERSICH: Yes.
14	LEGISLATOR FERRETTI: At the same
15	time, when it passes off to the school
16	district, the numbers change drastically.
17	MR. PERSICH: There's a decline.
18	LEGISLATOR FERRETTI: But the State
19	mandates that it's the school district,
20	which is ridiculous and backwards. But
21	whatever.
22	MR. PERSICH: If it were me, I would
23	be honest with you. I would just assume
24	give this program to the school districts
25	and say, here's your money from us and
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	you administer it. The problem is what
3	do we give them and what's the number?
4	You know what I mean? It can't keep going
5	up at the rate it's going up because it
6	can become very costly to us.
7	LEGISLATOR FERRETTI: That's the
8	thing. Now it's becoming the point where
9	it's if it continues at this rate
10	MR. PERSICH: It's going to be a
11	challenge for this Body.
12	LEGISLATOR FERRETTI: I have small
13	kids. The word's out that these county
14	programs are out there and you can you
15	can get it for your kid, just ask.
16	MR. PERSICH: Right.
17	What I would hope, though, is maybe
18	there'll be a decline. Maybe there's a
19	little bit of a backlog from COVID and
20	the kids not being in school. Maybe that
21	will diminish over time. Let's be
22	hopeful. I mean, I know hope's not a
23	strategy, but we also have to just be
24	cognizant that this is a real challenge
25	for the upcoming years, which we have to
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2	monitor. And we meet regularly on it just
3	to monitor it because it's \$150-160
4	million program in the budget; it's big
5	money. Look, we want to make sure our
6	kids are taken care of. We have the best
7	school system probably in the country.
8	But we also have to be cognizant that
9	there are some things that create drains
10	on our budget that we don't have control
11	over, which is not the best thing for us.
12	LEGISLATOR FERRETTI: So it's just
13	another state mandate.
14	MR. PERSICH: An unfunded mandate is
15	what it could be called.
16	LEGISLATOR FERRETTI: Okay.
17	Moving on to NIFA, you gave a
18	report, a very positive report. Now, I
19	also read that I know the Comptroller
20	is not here yet, but in her report, she
21	outlines the different ways that budgets
22	are you get the GAAP, the NIFA way.
23	Right. So you've reported a surplus. Does
24	your calculation match NIFA's
25	calculation? So in other words, is there
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NCL BUDGET REVIEW COMMITTEE 08.07.2023
a deficit in the NIFA calculation?
MR. PERSICH: No.
LEGISLATOR FERRETTI: Okay. So what
is the projection that NIFA has?
MR. PERSICH: When I submit my
budget, NIFA comes up with risks and
everything else. The way the statute
works, they use the 1% rule, meaning that
if they identify risk of 1% or more in
the budget, that the control period can
still stay in place. I am not
forecasting any GAAP or NIFA GAAP
deficits in the out years.
LEGISLATOR FERRETTI: Hold on. Not
in the out years. The statute doesn't say
that NIFA keeps a control period if
there's a projected deficit in the out
years, right?
MR. PERSICH: No, I don't believe
it's the current budget.
LEGISLATOR FERRETTI: Let's talk
about the current budget. Are they
projecting a deficit in the current
budget?
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2	MR. PERSICH: I believe not. They
3	haven't issued their report yet, that I'm
4	aware of, on my Mid Year Plan, so I
5	haven't seen it yet.
6	LEGISLATOR FERRETTI: Well, how
7	about 2022?
8	MR. PERSICH: Well, 2022, they had
9	come up with a projection that was
10	probably in \$100 million range. I don't
11	have the number off the top of my head.
12	LEGISLATOR FERRETTI: The surplus?
13	MR. PERSICH: No. Their report when
14	they did it in October identified risk
15	when we presented the 2022 or 2023
16	budget, depending upon which year we're
17	talking about, they probably projected
18	risk of \$100 Million when they came out
19	with their report, we finished with a
20	surplus of over "X" number of dollars. So
21	there was a monumental swing between
22	their report and where actually the
23	results were.
24	LEGISLATOR FERRETTI: In reality.
25	MR. PERSICH: Well, yes, I would say
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2	that. I'm hopeful. Between this Body and
3	everybody else, I have to deal with them
4	the most. That's the whole thing. I'm
5	hoping that the control period ends
6	sooner rather than later for everybody.
7	LEGISLATOR FERRETTI: Andy, what I'm
8	trying to understand is NIFA has a
9	statutory ability to stay in a control,
10	period if the 1% rule is in effect,
11	correct?
12	MR. PERSICH: Correct.
13	LEGISLATOR FERRETTI: All right. Is
14	is it?
15	MR. PERSICH: Arbitrary is the best
16	way I can I don't think it needs to be
17	there.
18	LEGISLATOR FERRETTI: But what do
19	you mean you don't think; it's a math?
20	MR. PERSICH: I agree with you. We
21	finished on the plus side. In the CAFR,
22	when you look at what the Comptroller is
23	going to present to you, there is a NIFA
24	section in there. The past three years
25	we've been on the plus side of the NIFA
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2	calculation, meaning that there is no
3	real need for control period, based on
4	results.
5	LEGISLATOR FERRETTI: Is the control
6	period triggered by projections or is it
7	triggered by the real numbers after they
8	come in?
9	MR. PERSICH: It's completely based
10	on a forecast.
11	LEGISLATOR FERRETTI: Essentially,
12	they can forecast whatever they want and
13	keep control.
14	MR. PERSICH: Where I was going
15	earlier was in 2022 when we finished,
16	NIFA projected \$130 Million in Risks. And
17	let's just say we finished with a \$300
18	Million surplus. There was a difference
19	of a half a billion dollars in their
20	report.
21	LEGISLATOR FERRETTI: So then they
22	can project whatever they want
23	MR. PERSICH: Correct.
24	LEGISLATOR FERRETTI: And they can
25	continue to be wrong each and every year
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	and still maintain their control period.
3	MR. PERSICH: Yes, because the 1%
4	rule is an arbitrary number.
5	LEGISLATOR FERRETTI: Meaning it's
6	something they can base on a projection.
7	MR. PERSICH: A forecast. That's
8	correct.
9	LEGISLATOR FERRETTI: So how many
10	straight years have they been wrong and
11	kept control based on their projection
12	that turned out to be not true?
13	MR. PERSICH: Many.
14	LEGISLATOR FERRETTI: More than two?
15	MR. PERSICH: I would say closer to
16	four or five.
17	LEGISLATOR FERRETTI: Four or five
18	years.
19	MR. PERSICH: Yeah. I mean, even
20	even in some of the dark times when we
21	were going through some bad things, we
22	still were finishing on the plus side. I
23	would say probably in 2019 or 2020 was
24	probably the years that we started
25	finishing with the surpluses.
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2	LEGISLATOR FERRETTI: And speaking
3	of them, what is their budget? What are
4	they budgeted for?
5	MR. PERSICH: It's approximately
6	between 2 and 2.5 million.
7	LEGISLATOR FERRETTI: Four straight
8	years of 2.5 million that they projected
9	numbers that kept them in a control
10	period that turned out to be nonsense, at
11	a budgeted amount of 2 to \$2.5 million a
12	year.
13	MR. PERSICH: Yes. That's what it
14	costs us. Their statute allows them to
15	take the money before it even gets to me,
16	that's the way it's written with the
17	intercept.
18	LEGISLATOR FERRETTI: Okay.
19	One last question totally off NIFA.
20	You talked about interest rates, and I'm
21	assuming we're getting pretty good
22	interest on these funds that we have,
23	right?
24	MR. PERSICH: Right.
25	LEGISLATOR FERRETTI: So my
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2	understanding is when a municipality
3	receives interest from money in a
4	surplus, that you have to spend it within
5	a certain period of time; is that true?
6	MR. PERSICH: I don't recall that
7	being part of Local Finance Law. Some of
8	the monies that are in reserves stay in
9	the reserve wherever they're at.
10	Anything with the surplus, we have to
11	start spending it down.
12	LEGISLATOR FERRETTI: How about
13	Capital Funds that's borrowed?
14	MR. PERSICH: Capital gets into a
15	gray area for us. The market tells you
16	that you shouldn't use short money for
17	long term projects. Meaning that while
18	interest rates may be high now and you've
19	got a 30 year project, you're better off
20	almost using the bond money now and then
21	as interest rates decline, you take that
22	higher interest rate and you refund it.
23	That's the cycle of how things go. I'm
24	not a proponent of spending cash for
25	capital is what I would say.

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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	LEGISLATOR FERRETTI: If we hold on
3	to capital funds that have been borrowed
4	for a certain period of time, there's no
5	penalty or
6	MR. PERSICH: There are some
7	penalties. There's many components of
8	that. Yes, we are required to spend down
9	bond proceeds within a timeframe,
10	correcting what I said earlier, because
11	now I understand where you're going with
12	this. We have to spend it within the
13	timeframe that's allotted to us. Meaning
14	that if we have a 30 year project and
15	we're sitting on something, sometimes we
16	don't achieve that, but we don't borrow
17	all those funds up front. We borrow it in
18	the cash-need basis. When it's \$100
19	million project, I only need 25 million
20	next year, I only borrow 25. So we try
21	not to have too many unspent proceeds.
22	The money that stays in the bond fund or
23	what I would call the capital fund, that
24	does create a problem when we're sitting
25	on money now because we have an
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	increasing interest rate environment for
3	cash and what's happening is the
4	borrowing costs are going up, but we're
5	getting what's called arbitrage rebate
6	now, which is something we haven't had
7	because rates have been so low. So there
8	are some things that happen with
9	arbitrage, which means there's a
10	difference between the money we're
11	borrowing against and how much money
12	we're collecting as far as investment
13	income. So we are starting to see that.
14	We're cognizant of that.
15	We're working around maybe creating
16	in next year's budget because we know
17	we're going to have this in future is
18	eliminating if we have to pay any money
19	back as a result of arbitrage, we will
20	put that into the budget so there is no
21	risk to us.
22	LEGISLATOR FERRETTI: All right.
23	Thanks a lot.
24	MR. PERSICH: Thank you.
25	CHAIRMAN GIANGREGORIO: Minority
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I	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	Leader Abrahams.
3	LEGISLATOR ABRAHAMS: Thank you,
4	Chairman.
5	Hey, Andy. How are you?
6	MR. PERSICH: Good. How are you,
7	Minority Leader?
8	LEGISLATOR ABRAHAMS: Good, good,
9	good.
10	I have several questions in a couple
11	of different areas. I just wanted to
12	start off by just commending you again.
13	MR. PERSICH: Thank you.
14	LEGISLATOR ABRAHAMS: Working over
15	several administrations, you've been
16	steadfast and I think your responses have
17	been trustworthy. And that's the most
18	important thing you can ask for from us
19	as a Budget Director.
20	MR. PERSICH: I appreciate that.
21	LEGISLATOR ABRAHAMS: You're a
22	steward of your trade. So I appreciate
23	you being able to do that.
24	MR. PERSICH: Thank you.
25	LEGISLATOR ABRAHAMS: I agree with
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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	you, in many of your components you had
3	indicated in your summary in terms of
4	some of the successes with the County. I
5	do understand Obviously, I think we
6	all agree that we want to see NIFA move
7	on. However, I categorize it as three
8	particular areas, one of which I think
9	the County is doing better in over the
10	last couple of years. But then two other
11	areas and you tell me if you disagree
12	that I think the County could be doing
13	much better in. But because we're not, I
14	think that feeds why I think NIFA
15	continues to linger.
16	The first area I think is Collective
17	Bargaining Agreements. One of the things
18	that I thought brought on, and you
19	correct me if I'm wrong, that brought on
20	the control period in the county, was
21	when the previous county executive well,
22	two county executives ago basically
23	instituted that he wanted NIFA to have
24	more control to help him with Labor
25	Agreements. If I remember that correctly.

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I	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	MR. PERSICH: I can't answer. That
3	may be a possibility. Back then, I think
4	we were frozen and I think there was a
5	plan probably to give the unions some
6	money. I wasn't here to say that he used
7	them as a shield or an assist tool.
8	Could be.
9	LEGISLATOR ABRAHAMS: That was my
10	that was my recollection. Neither here
11	nor there.
12	MR. PERSICH: Right.
13	LEGISLATOR ABRAHAMS: My point is
14	that that those same labor agreements
15	that we asked NIFA's help for back then
16	haven't been finalized yet. We're still
17	finalizing those agreements. We've had
18	tremendous successes. The previous
19	administration negotiating the DAI and
20	SOA. The current administration
21	negotiating the PBA, we are moving in the
22	right direction. I envision CSEA, COBA,
23	DA, IPBA, the will also have agreements
24	very soon as well. So that is one area I
25	actually think we're getting better in.
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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	The two areas that I think have some
3	level of concern, one is kind of out of
4	our jurisdiction, but it does have a
5	liability to the County, is the hospital.
6	I haven't heard too much talk about their
7	fiscal situation. Other than what I read
8	in the newspaper about it, sounds to be
9	pretty dire. I'm extremely concerned
10	because obviously, as you know, the
11	financial backing for the hospital falls
12	on the County. Have you had any
13	discussions with them in regards to their
14	fiscal condition? Because I think that is
15	a looming issue that I believe NIFA is
16	going to continue to watch.
17	MR. PERSICH: All right. So let me
18	break it into two things. One is our
19	liability to the hospital when it was
20	spun off was back in 2000 or whatever it
21	was, the Successor Agreement. The purpose
22	was to back the debt. I mean, that was
23	the whole Successor Agreement. So our
24	liability lands there. How much is that
25	to us? That's the one component that I

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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	know our liability line lands at, is
3	about \$100 Million, which is until 2029.
4	Then that debt gets retired, which is
5	roughly, if you do the math, it's 20-25
6	million annually. So that's where we feel
7	our liability.
8	That hospital serves a purpose in
9	this county. We all know that. It serves
10	the indigent community. The problem is
11	it's not a very flavored type of
12	environment for some of the privates. So
13	we're in a different place.
14	They are working I know they have
15	a lot of consultants over there now
16	trying to figure out where they can get
17	money from, revenue streams, cost
18	containment, expanding services with some
19	of the opioid things. So I do believe
20	that it's going to take a coordinated
21	effort, not just with inside the County.
22	I think the State, too, because some of
23	the things that the State used to provide
24	we're very unique I would say. There's
25	not too many counties that have a

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	facility like this, which makes us unique
3	in New York State, which goes back to the
4	County Guarantee. I could go through
5	that. But that's one of the things.
6	So some of the DISH-RIP and DISH
7	money that we're getting is allegedly
8	drying up, which was a big component of
9	where their revenue stream is. So it's
10	created a structural imbalance withinside
11	the hospital because they're not getting
12	the funds in from the State and Feds from
13	Medicaid and everything else. So they're
14	looking at other revenue sources, some of
15	their billing practices and where they
16	can cut costs and how they can better
17	keep that hospital afloat. It's in a dire
18	position from a cash perspective.
19	But there's ongoing talks right now,
20	to hopefully come up with some type of
21	plan that will keep it afloat for at
22	least the next four or five years,
23	because that's what it really needs.
24	LEGISLATOR ABRAHAMS: I don't want
25	

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
2	you to have to divulge anything that
3	you've said in confidence, but would
4	those plans require any State
5	intervention, because if it does, then I
6	kind of see why NIFA would want to hang
7	around a little bit more to oversee that
8	process.
9	MR. PERSICH: When you say State
10	intervention, I would say that, yes,
11	we're going to need money from somebody.
12	I mean, the County can't afford it. The
13	numbers you're talking about are
14	significantly higher. The State has to
15	take ownership because this is one of the
16	things that I hate to say, again, we're
17	one of the unique counties that have a
18	hospital system like this.
19	And there's some things that we have
20	to look at from an expense side. I don't
21	have institutional knowledge. I'm not
22	sitting over there overseeing their
23	finances. I can only tell you that there
24	is an ongoing plan and there's been a lot
25	of meetings lately to see what we can do

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	to get the hospital back on good fiscal
3	ground.
4	LEGISLATOR ABRAHAMS: The last
5	projections I saw and again, I'm
6	getting my information from Newsday, so
7	I'm not saying that it was 100% accurate
8	or not accurate but the last report I
9	saw was that the hospital was going to
10	run out of cash by some time next year.
11	MR. PERSICH: It's a possibility,
12	yes.
13	LEGISLATOR ABRAHAMS: Sounds more
14	than dire, sounds Titanic. It's sinking
15	fast.
16	MR. PERSICH: It's dire. I agree.
17	I'll be honest with you and I
18	understand your position on NIFA, I don't
19	know if NIFA is going to help or hurt or
20	if they should be doing anything.
21	LEGISLATOR ABRAHAMS: I don't know
22	if they're going to help or hurt. What
23	I'm saying is that NIFA is a state
24	agency. And if the State is going to have
25	to infuse some level of cash I don't
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	see that either because they got their
3	own troubles in the State. That being
4	said, if they are going to infuse their
5	own level of cash, then that adds more
6	credence to NIFA being in the vicinity of
7	what's going on. And not because it's the
8	hospital to NIFA, it's because hospital
9	to us. The liability that it creates to
10	us if the hospital like say, for
11	example, describe to me what would happen
12	if the hospital was to run out of money
13	next year is not able to pay their bills.
14	What triggers after that?
15	MR. PERSICH: Well, first of all,
16	they can't go bankrupt because it's a
17	public health corporation. It's legally,
18	not an option.
19	LEGISLATOR ABRAHAMS: Would we have
20	to step in and start paying their bills?
21	MR. PERSICH: No. Where it lands
22	with us is we only have to guarantee the
23	outstanding debt.
24	Now, is there a social
25	LEGISLATOR ABRAHAMS: If they don't
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	have the cash they can't pay their debt.
3	MR. PERSICH: Yeah. We would step
4	in and help them out. If that were the
5	case, then we pay \$20 Million out of
6	Operating Funds or whatever it was over
7	the next few years, and I'd have to
8	account for that in my budget. That's
9	where I would say our liability ends
10	right there according to the Successor
11	Agreement. Now, you're asking me, we have
12	county residents that are going to need
13	services, we're going to have to figure
14	out a way to keep that place afloat.
15	Because from a legal/fiscal perspective,
16	we have limited liability when it comes
17	to the hospital, but we also have a
18	socioeconomic thing that we have to keep
19	that place. I think it's a fine line
20	that we have to provide these services to
21	the people. It's a question of how and
22	who's going to help us, because it
23	shouldn't all be on the burden of the
24	County for some of these things, because
25	some of the things are set by State and
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	Federal.
3	LEGISLATOR ABRAHAMS: I agree. I
4	actually think we should be looking to
5	private sector as well.
6	MR. PERSICH: Keep in mind, I will
7	say that there was some shenanigans this
8	year in the State Budget, and pardon my
9	analogy of that, but the EF map thing
10	became a problem here because the State
11	is now intercepting money that should be
12	coming to us. That's one of the things
13	that the State is using some monies that
14	should be coming to us to help fund that
15	through some other forms of of
16	healthcare. There are things that I
17	think the State has done to penalize a
18	lot of municipalities.
19	This is one of the ones that may
20	hurt the hospital, as is the DISH and the
21	DISH-RIP money. That's their two primary
22	revenue because it's all indigent care
23	and that's where it comes from.
24	And with rising healthcare costs,
25	that's what's going to keep making
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	the problem even worse.
3	LEGISLATOR ABRAHAMS: I mean, look,
4	Andy, as I said before, just keep us
5	posted. If you have an update during the
6	budget process later on in a few months,
7	let us know. If there's any updated
8	projections in terms of when their fiscal
9	cash situation is at, please let us know.
10	MR. PERSICH: I definitely will.
11	LEGISLATOR ABRAHAMS: I think that's
12	a very big looming issue. And to be
13	fair, obviously, I'm not trying to
14	disparage the current administration.
15	This predates and this goes back like
16	five administrations.
17	MR. PERSICH: Yes.
18	LEGISLATOR ABRAHAMS: So that's not
19	my issue at all. But we talk about NIFA
20	leaving, which we all want. That to me is
21	a big issue.
22	The next issue I do want to talk to
23	you about is the tax certioraris. You've
24	described the liability really well. But
25	the one thing I wanted to ask you about
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCL BUDGEI REVIEW COMMITTEE 08.07.2023
2	was the current liability. You had said
3	
	that the current liability, we continue
4	to add \$75-100 million a year.
5	MR. PERSICH: Yes.
6	LEGISLATOR ABRAHAMS: It's funny you
7	say that number because that's the same
8	number I remember when we actually did
9	the first reassessment. It was \$100
10	million a year. So, if I'm understanding
11	this correctly and maybe my 21 year
12	career is in vain, it sounds like to me
13	we've done multiple reassessments, but we
14	are not improving on the current
15	liability being reduced.
16	MR. PERSICH: To your point, yes,
17	you would think it would be vertical.
18	Based on the size of the the assessed
19	value and everything else, when you think
20	about \$75 million, I think our assessed
21	valuation is \$6 billion in this county.
22	It's such a small piece of that. We're
23	never going to have the roll 100%. We're
24	never going to be right, because there's
25	many reasons as to why and how and what.

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[NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	But remember, it's somewhat subjective.
3	So the fact that it's staying at 75 to
4	100, maybe it's a good thing because it
5	means maybe the roll has got a little bit
6	more
7	LEGISLATOR ABRAHAMS: Because it
8	could balloon, you're saying, much, much
9	higher if we did nothing.
10	MR. PERSICH: If we did nothing,
11	which is kind of how we ended up where we
12	were back then, we were burying the cert
13	liabilities, thus the infusion from NIFA.
14	We've gotten better because we've done
15	these reevals (sic). The question is, is
16	how much and how often do we have to
17	reevaluate? I wouldn't answer that. But
18	the fact that it stayed in that range, I
19	mean, you got to give kudos to that
20	because it hasn't gone up, because when
21	you look at it, that's really if
22	there's an off year and you have a
23	downturn in the market, that's why I
24	think there's a little flexibility from
25	75 to 100. But I think that the process
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	in itself is always going to create
3	liability and that's just the way it is.
4	LEGISLATOR ABRAHAMS: That part I
5	get. So I guess you touched on something,
6	but you said you couldn't answer it. I
7	guess we have to find out during the
8	budget season when when we actually bring
9	in the Department. But we do want to know
10	when we're going to get back to the point
11	where the rolls are not going to be
12	frozen. Because obviously we don't want
13	that number to start to balloon up again
14	and the liabilities that's added to the
15	current liability starts to increase. You
16	wouldn't know the answer to when that
17	will happen?
18	MR. PERSICH: No. But, freezing the
19	rolls does have an impact on the
20	liability. Sometimes it's better;
21	sometimes it's worse. I don't think it's
22	always better. I think it gets worse as
23	we freeze it. But I think unfreezing,
24	there's certain things I'd rather have
25	a roll that's dynamic and keep moving so
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	it doesn't create the cert liability. But
3	sometimes the way the process works, the
4	liability is going to build because
5	sometimes our counterparts on the other
6	side don't want to settle the cases right
7	away.
8	LEGISLATOR ABRAHAMS: I know.
9	MR. PERSICH: There's a 3% and 9%
10	ticker. So I think there's benefits to
11	that.
12	LEGISLATOR ABRAHAMS: If we can
13	lessen the new liability, that's where
14	I'm focused in. I totally get what
15	you're talking about with the existing in
16	terms of the nuances with dealing with
17	some of the property owners. But the
18	newer liability, obviously, that's the
19	stuff that I'm talking.
20	MR. PERSICH: I know there's a
21	conscious effort by Assessment and ARC
22	and the Treasurer's Office and the County
23	Attorney's Office to the Class 1 and
24	Class 2 out there, because they have the
25	most benefit. The Class 4 is going to
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	become a problem now too. The commercial
3	real estate market is going sideways
4	since COVID because the split time and
5	shared workspace and everything else. I
6	don't know what the future's going to
7	look like. I really don't. It seems to be
8	coming back a little bit that people are
9	going back, so the occupancies in the
10	commercial real estate market are
11	diminishing. But I would imagine that
12	some commercial properties in the next
13	ten years probably will convert over to
14	be residential and they'll switch the
15	roll class. A lot of Class 4 may roll
16	into the Class 1. It's just a result of
17	the time we went through with COVID, and
18	I think it just changed the commercial
19	real estate market, as you can tell.
20	LEGISLATOR ABRAHAMS: Well, I don't
21	have anything further. But but thank you
22	again. Appreciate it and thank you to
23	your team.
24	MR. PERSICH: Thank you.
25	CHAIRMAN GIANGREGORIO: Legislator
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	Drucker.
3	LEGISLATOR DRUCKER: Thank you,
4	Chairman.
5	Andy, thank you for your
6	presentation. From the speed and
7	fluidity of your presentation, you can
8	tell this is not your first rodeo.
9	MR. PERSICH: Thank you.
10	LEGISLATOR DRUCKER: But for someone
11	like me who was a lawyer, I struggle
12	sometimes with some of the financial
13	stuff. So I do need your help on certain
14	things.
15	I'm starting off, you said this was
16	the fourth year in a row of a surplus, so
17	this started in 2019, '20, and '21,
18	correct?
19	MR. PERSICH: And '22.
20	LEGISLATOR DRUCKER: So '22 is now
21	is the fourth year, right?
22	MR. PERSICH: Yes.
23	LEGISLATOR DRUCKER: So there were
24	three prior years where there was a
25	surplus?
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	MR. PERSICH: Yes.
3	LEGISLATOR DRUCKER: All right. So
4	that was under the Curran Administration.
5	Talk to me can you give me a
6	little brief lecture on unassigned versus
7	assigned Fund Balance and how you
8	determine which is which?
9	MR. PERSICH: Okay. I'm going to
10	give you my, but I'll defer to the
11	Comptroller's if you want to save that
12	question.
13	Unassigned and assigned: Unassigned
14	Fund Balance is money that's free and
15	clear for use for us to use with a caveat
16	that will trigger NIFA if I use Fund
17	Balance, which is the most ridiculous
18	part of that statute. But I can't argue
19	that because that was the determination
20	by the Court. Fund Balance is taxpayer
21	money. It should be given back. But if
22	you if you use Fund Balance to plug a
23	budget hole, it will count against me in
24	the NIFA GAAP. So unassigned Fund Balance
25	is basically money that is, I will say

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	fungible and can be used.
3	Assigned Fund Balance comes with
4	restrictions meaning that we have money
5	assigned for different things, pension
6	costs, litigation costs, other things
7	that it becomes restrictive in how we
8	can't really spend it that freely. So
9	that would be the two conditions I would
10	say.
11	LEGISLATOR DRUCKER: So which one
12	does NIFA get their feathers ruffled on?
13	MR. PERSICH: They can't get their
14	feathers ruffled on anything unless they
15	try and use Fund Balance, like if I
16	wanted to plug it as a revenue source.
17	Because that's really what Fund Balance
18	is. You have money in a bank account
19	that you're going to use to plug the
20	budget. In other municipalities and
21	I've had experience having used that I
22	get to use that just as a placeholder.
23	But it triggers the NIFA GAAP with them
24	because it's outside.
25	There's two things that trigger it.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	One is that, not having a structurally
3	balanced budget, and if I do any
4	borrowing for any operating funds, which
5	we haven't done in years, so we've gotten
6	away from that practice. So that one I
7	can take care of. I don't plan on using
8	Fund Balance in any of the upcoming
9	budgets, but do realize that that's the
10	trigger and the dynamic I have to work
11	through. When I'm saying, Oh my God,
12	look, I got this money sitting in Fund
13	Balance, why can't I use it? That's the
14	reason.
15	LEGISLATOR DRUCKER: So I just
16	wanted to piggyback on the Minority
17	Leader's points about the hospital. I've
18	been advised that the Minority has
19	requested the Majority to have a public
20	hearing on the Hospital's fiscal
21	situation.
22	Mr. Chairman, is it possible? I
23	think we would all benefit if we could
24	perhaps schedule a public hearing so that
25	the Hospital could come and talk to us
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	about their fiscal situation? I think
3	we'd all like to see what's going on and
4	learn what their projections are. We
5	have requested that from the Majority. I
6	would hope that we could perhaps discuss
7	that.
8	CHAIRMAN GIANGREGORIO: Thank you.
9	LEGISLATOR DRUCKER: Okay.
10	Andy, this may sound like a stupid
11	question. Can the rainy day fund ever be
12	used to give a tax reduction to our
13	taxpayers?
14	MR. PERSICH: No because of two
15	reasons. One is things are going to get
16	slimmer in the out years. As I cautioned
17	about where we are revenue side, our
18	collective bargaining agreements are
19	going up. We're not going to be
20	structurally balanced if we start cutting
21	the revenue side of it, which is going to
22	keep NIFA in the fold, which is what the
23	problem would be. We're strategically
24	placing reserves for the unforeseen out
25	there not to use to offset revenues
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	coming in in subsequent years, or
3	diminishing revenues of future years.
4	LEGISLATOR DRUCKER: I think the
5	philosophical difference between how you
6	determine the budget and how NIFA sees it
7	is based on, NIFA seems to always be
8	using the catchphrase, "recurring
9	revenue, recurring revenue in the out
10	years, What are we faced with in the out
11	years, the hospital, litigation, tax,
12	certiorari, bonding requirements", so I
13	think they're always trying to hang their
14	hat on recurring revenue, the ARPA funds
15	that we get. I think that's really a
16	conceptual difference between how you do
17	your job and how NIFA tries to hang on to
18	their job. Would you agree?
19	MR. PERSICH: I would agree with
20	that, yes. We have some philosophical
21	differences based on some other
22	structures in the municipal world out
23	there.
24	LEGISLATOR DRUCKER: Okay.
25	So you arrived at a \$383.4 Million
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	tax certiorari liability. How do you get
3	to that number? Is that judgments after
4	SCAR? How do you get to that specific
5	number?
6	MR. PERSICH: As complex as the
7	assessment system is, as is the liability
8	calculation, they do a revaluation every
9	year to calculate where they think what
10	the value of property should be. It's a
11	complex formula. I don't want to diminish
12	it in any way. It's almost like an
13	actuarial type of formula where they
14	figure out what the number is. It's then
15	audited by our auditors, which I'll defer
16	to the Comptroller on that, but it's
17	developed through ARC and we look at the
18	numbers. Because there's many different
19	components of the things. There's the
20	judgments that are outstanding, the
21	interest component, there's AR 70s, AR
22	90s and a whole bunch of things. But then
23	there's also a revaluation that they do
24	to kind of to come up with what they
25	think the difference in the current roll
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	is to the new roll and that's what
3	creates the, the liability number. So
4	it's not as easy as saying X plus Y
5	equals that. There's many components that
6	add up to that.
7	LEGISLATOR DRUCKER: How are we
8	trending in that number?
9	MR. PERSICH: Well, as we pay down
10	some of the backlog, you'll see, I think
11	by next year you'll see, that that
12	number, if it gets down into the \$300
13	million range, which is what we're
14	striving to, maybe even less, then you
15	will see that we've made a significant
16	stride and at some point the liability
17	will either be between, let's say, 150
18	and 200 just on an annual ongoing basis.
19	LEGISLATOR DRUCKER: This is a
20	piggybacking on Legislator Ferretti's
21	point too, each year we reduce the tax
22	liability, but yet we're also increasing
23	the obligation too. But as we get a more
24	defensible tax roll, theoretically, the
25	liability should be coming down, and that
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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	might allow for a greater disparity
3	between what we're paying down and what
4	our recurring liability is. Would you
5	agree?
6	MR. PERSICH: I would agree with
7	that. I think one of the things that I
8	think the minority leader brought up was
9	why is it stayed at 75 to 100? And if I
10	had a better defensible answer, I just
11	think that when you look every year, what
12	if it went up? We had a lot of moving
13	parts. This year we settled LIPA, which
14	was a big thing, and we started paying
15	back some of the backlog with money from
16	last year. So I think it's still fluid
17	right now is what I will say. But I think
18	if we know that that's what we have to
19	do, then we have to figure out ways to
20	fund it. That's why we're using some of
21	the surplus money to offset. We do owe a
22	lot of people money here. That's one
23	thing we have to realize. It's not that
24	it's free and clear. We do have
25	liabilities that are very sizable. Our

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	OPEB liability is one of the things, the
3	tax cert liability we're working on. But
4	there are other things out there that are
5	generating problems. I'm comfortable
6	with saying 75 to 100. If I'm wrong,
7	shame on me. But I don't think it's going
8	to be. Historically, it was always a
9	couple problems here. One was over time
10	and the other one was certs. So I think
11	we got the overtime piece controlled and
12	now we're controlling the cert thing,
13	which are the two big drivers.
14	LEGISLATOR DRUCKER: I think all of
15	us up here on both sides feel fairly
16	confident in your ability to project and
17	forecast these things.
18	One of the items I was looking at,
19	Andy, what is the Protection of Person
20	Fund? That was one of the items.
21	MR. PERSICH: It's in the financial
22	statements, so I don't want to I
23	don't do it that way. It's based on
24	programmatic budgets. Protection of
25	Persons I do believe it's got to be
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	Public Safety. But I would defer that to
3	the Comptroller, because that's what the
4	component of it is. It's a program that I
5	would say encompasses all public safety
6	people, meaning police, corrections
7	LEGISLATOR DRUCKER: I saw a
8	category for it. And I said, what the
9	heck is that?
10	MR. PERSICH: They report numbers
11	differently than you or I. The CAFR in
12	itself is a complex book, for lack of a
13	better thing. So there's a lot of things
14	and nuances that mostly only the
15	accountants of the world and people who
16	do this when you look at it would
17	understand. But it's a programmatic
18	budget is what I would say.
19	LEGISLATOR DRUCKER: Now, this is
20	similar to my earlier question about the
21	number for tax cert liability. The
22	Litigation Fund you have is \$341.9
23	million. That's your Litigation Fund.
24	MR. PERSICH: It's in the CAFR, I
25	don't have that Yes, that is correct.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCH BUBGET NEVIEW COMMITTEE 00.07.2023
2	I'm sorry. My my team just handed me
3	LEGISLATOR DRUCKER: Just explain
4	how you got to that number.
5	MR. PERSICH: What the practice has
6	been remember when we did the NIFA
7	refunding, we squirreled away money, we
8	created the special revenue fund for
9	things such as tax cert liabilities and
10	litigation liabilities. We modified it.
11	So it's set up for two things: One, it's
12	set up for general litigation funds,
13	meaning that regular tort claims that
14	we're going to get in, which if I had my
15	druthers, I'd ask for tort reform, but
16	I'm not delusional that that will ever
17	happen. The second thing is to fund the
18	tax certs. So it's two components. So
19	it's split. I would say the majority of
20	it is approximately 200 or more than that
21	is probably dedicated to tax certs, and
22	then the balance is for general
23	litigation. Now what I've come up with,
24	and this is what I planned with the
25	program with the County Executive is if

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	it affords me the appropriation at the
3	end of the year, meaning if I have excess
4	cert money and I have excess judgments
5	and claims, which is general tort claim
6	money left over in the budget, as much as
7	I need to not create a deficit position,
8	I plan on rolling in to fund future
9	liabilities. I'm going to try and keep
10	that fund rolling just so that if the
11	cert liability gets sideways on me, I
12	don't have to borrow or do anything crazy
13	with it.
14	LEGISLATOR DRUCKER: Gotcha.
15	And then my last question. Do we as
16	a legislative body get a separate report
17	each year on your reserve balances, or is
18	that just all lumped together in
19	budgetary process?
20	MR. PERSICH: We account for it
21	differently than the Comptroller does,
22	but in the Comptroller's year end
23	results, that's where we get the numbers
24	from. It's a separate section of the
25	Annual Financial Statement. We have a
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCL DODGLI NLVILW COFMITTLE 00.07.2025
2	budgetary way; she has a GAAP way. We
3	operate on two different methods, which
4	is going to go into this whole accounting
5	thing, which I don't want to confuse
6	everybody with. We do keep track of them.
7	But remember, we've only started this
8	practice over the past two years. So it
9	is new to us here. And we do know that we
10	have to start getting rid of some of this
11	money because it has future savings. Like
12	with debt defeasement, that's the best
13	thing we could do. Because not only does
14	it relieve obligations that we owe to
15	bondholders, it gives us more flexibility
16	in the budget by paying down some debt.
17	The other things we set up probably
18	is just the unknowns. I mean, healthcare
19	is a big unknown out there right now. I
20	will say that much. And the way the stock
21	market is behaving, I don't know if next
22	year is going to be the real one where we
23	get socked by the Comptroller. Even
24	though they really don't hit us too hard,
25	when the market declines, they amortize

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	the decline over a five year period. So
3	that's what we do. We've had years.
4	That's how we ended up borrowing from the
5	State when they had the amortization
6	program. That's why most municipalities
7	did that. We have now set a path up if
8	that does occur. If I put \$100 Million in
9	for pension costs and it comes in at 110,
10	I now have a reserve to offset that. So I
11	don't have to cut services to keep the
12	budget balanced. So we've strategically
13	placed money into the places that we saw
14	risk to mitigate that risk for the
15	future.
16	LEGISLATOR DRUCKER: Thank you,
17	Andy. Thank you for what you do and thank
18	you for the fine work that you do.
19	MR. PERSICH: Thank you, Legislator.
20	LEGISLATOR KOPEL: One last quick
21	question. When you were talking with
22	legislator Ferretti a little while ago,
23	you said that if you have \$100 million
24	bond and you only require 25 now, you'll
25	only borrow it in tranches as you need
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	it. What happens to the interest rate on
3	the additional funds as you borrow them?
4	MR. PERSICH: The interest rate on
5	the borrowing is going to fluctuate from
6	what the market conditions tell me. So if
7	we do a project that's 100 million
8	LEGISLATOR KOPEL: The bonds are
9	structured?
10	MR. PERSICH: They're structured,
11	but we may not borrow the full amount of
12	the cash for the project. If we have \$100
13	million project, let's just say whatever
14	it is. I don't want to use
15	LEGISLATOR KOPEL: So a two year
16	project and you borrow \$50 million at 2%
17	and then the rate environment is now
18	4%
19	MR. PERSICH: That's correct. So
20	I'll borrow 50 at 4%. So I have to offset
21	those costs. We come to it with you with
22	a bond ordinance for the total amount of
23	the project because that's what local
24	finance law requires us to do. But the
25	borrowing, the cash flow borrowing within
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	that project is determined by DPW and us
3	to see what we can fit into the budget
4	based on our budgetary needs.
5	LEGISLATOR KOPEL: All right.
6	Thanks.
7	MR. PERSICH: Thank you.
8	CHAIRMAN GIANGREGORIO: Legislator
9	Ferretti.
10	LEGISLATOR FERRETTI: Andy, just
11	some follow up with regard to the
12	hospital. You alluded to it, but you
13	didn't really put a number behind it. The
14	State has essentially stripped funding to
15	the hospital since 2020, right?
16	MR. PERSICH: Yes. And it was it's
17	either the DISH or the DISH-RIP payments.
18	I don't know. They did take some monies
19	from sales tax a couple of years ago to
20	give the disproportionate hospitals.
21	LEGISLATOR FERRETTI: You're saying
22	some money. My understanding is it's like
23	\$80 million a year.
24	MR. PERSICH: Significant.
25	
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	LEGISLATOR FERRETTI: Well, that's
3	more than significant, right?
4	MR. PERSICH: Huge.
5	LEGISLATOR FERRETTI: It's \$80
6	million a year since 2020. It's
7	reportedly over \$260 million that the
8	State has essentially defunded the
9	Medical Center.
10	MR. PERSICH: I would say yes.
11	LEGISLATOR FERRETTI: Okay. So it's
12	no mystery why there's a problem here,
13	right?
14	MR. PERSICH: No, I would say that
15	when your revenues and expenses don't
16	match up, what's going to happen, you're
17	going to create a deficit which is going
18	to create a cash burn. And that's exactly
19	what's occurring there.
20	LEGISLATOR FERRETTI: All right. But
21	it was suggested a few minutes ago that
22	perhaps NIFA should stay, "stick around"
23	I think was the word you used, because
24	the State may infuse money. I'm not
25	really sure I see the connection how NIFA
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	would be part of that. But even if they
3	were to in some way assist in the state
4	not defunding NUMC, just to be clear,
5	whether NIFA has a control period or not,
6	NIFA is going to exist for the
7	foreseeable future, correct?
8	MR. PERSICH: Yes, just based on
9	because we have outstanding debt
10	obligations.
11	LEGISLATOR FERRETTI: So even if
12	there was some way that NIFA was to
13	assist in bringing the money that the
14	State has defunded the medical center
15	with back, whether they have a control or
16	not, they're there, right?
17	MR. PERSICH: Yes. I don't want to
18	mix the two. Legislation was changed
19	this year. And don't quote me on this,
20	but the hospital now became part of
21	NIFA's oversight. So in the past, it
22	wasn't. Now it has become. I segregate us
23	from them because I only have limited
24	liability from the position that I sit.
25	We only owe 100 million in outstanding
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	debt. The way I understand the liability
3	is that we only owe 100. But that said,
4	we do know that we have a moral and
5	social obligation to help the needy
6	people. So I think we'll be involved
7	somewhere
8	LEGISLATOR FERRETTI: So does the
9	State.
10	MR. PERSICH: Yeah, I agree.
11	LEGISLATOR FERRETTI: We are doing
12	it.
13	MR. PERSICH: Yeah.
14	LEGISLATOR FERRETTI: Right? It's
15	the State that's taking the money away.
16	MR. PERSICH: They've basically have
17	stripped out a revenue stream that they
18	need. That's what they've done.
19	LEGISLATOR FERRETTI: 80 million a
20	year.
21	MR. PERSICH: That's significant.
22	LEGISLATOR FERRETTI: Right. Thank
23	you. Since 2020.
24	LEGISLATOR ABRAHAMS: Yeah, that's
25	recent.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	A couple of things. One, I think
3	it's a little disingenuous to talk about
4	the State taking away the money without
5	talking about the right of reasons why
6	the State did take away the money. State
7	took away the money because, as we all
8	know, the hospital has been in fiscal
9	shambles, not just for the last three
10	years, for the last 20. So from that
11	standpoint, the State plans to give back
12	the money when the hospital gets its
13	fiscal order in place.
14	Legislator Ferretti, you full well
15	know they have been in shambles before
16	2020. You know that. So to insinuate that
17	they took away the money and that's
18	what's creating the deficit is a little
19	bit absurd. But that being said, we're
20	not going to go down that path.
21	The other thing that I did want to
22	talk to you, Andy, about, which did come
23	up well, I brought it up because you
24	brought up a comment that didn't make
25	much sense. What I was talking about, I
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NCL BUDGET REVIEW COMMITTEE 08.07.2023 1 2 wasn't talking about, in essence, whether 3 or not NIFA has to stay, wants to stay, 4 or I want to stay around, I was talking 5 about from the standpoint they might have 6 to stay around because of the legislation 7 in terms of now they're encompassed into now as well as any potential infusion of 8 9 money. So before comments start getting 10 placed about whether or not I want NIFA 11 to stay, let's just be honest with what I 12 said, what I said was that they might 13 have to stay around. So let's not start 14 to mix things up. And I just wanted to 15 clarify the point on the record, but I'm 16 sure you'll have a counter to what I just 17 said. 18 LEGISLATOR FERRETTI: Not a counter. 19 Just when you're saying stay around, I 20 think that's what threw me off. They are 21 staying around whether they're in a 22 control period or not. And that was what 23 I wanted to distinguish. 24 With regard to the 80 million, I'm 25 not going to say sit here and say that

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
2	the Medical Center has been in great
3	financial shape for 20 years. But I don't
4	see a solution to fixing a problem as
5	taking away additional money and setting
6	them back even further. Much further. \$80
7	million a year further. That's not the
8	answer, in my opinion. And if we're going
9	to start anywhere in trying to fix it, we
10	need to lobby the representatives on the
11	state level that were behind defunding
12	this money and reversing it, which I
13	think we agree on, because you're talking
14	about infusing money from the State. So
15	that's what we need to do. That's step
16	one.
17	LEGISLATOR ABRAHAMS: I think,
18	Legislator Ferretti, I will end at this
19	point. I'm not to try to go back and
20	forth. This is the reason why I believe
21	we need to have the hearing in the
22	legislature. You have great questions.
23	You bring up great points. Our side, I
24	think we have the same questions. If we
25	can somehow have the Hospital come to be

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	able to present their fiscal situation so
3	we can get a much clearer picture. Just
4	because of the back and forth you and I
5	just shared, I think it's imperative that
6	we have this this hearing. And surely if
7	the Budget Office could be a part of it
8	as well, I would appreciate that.
9	MR. PERSICH: Absolutely. I mean,
10	we're here to support whatever needs that
11	are out there and address any liabilities
12	that we may have even with the Hospital.
13	We're going to figure out something. We
14	all need to work together on this one, I
15	don't think it's an independent thing. I
16	think there's a lot of multi agencies
17	that need to be involved to rescue the
18	hospital. And it's not just going to be
19	here. The State, the Feds, have to step
20	up with some money, too. I think so. I
21	think we all have to be cognizant of
22	that.
23	CHAIRMAN GIANGREGORIO: Any further
24	questions?
25	(Whereupon, no verbal
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	response.)
3	CHAIRMAN GIANGREGORIO: Andy, thank
4	you very much for your presentation.
5	MR. PERSICH: Thank you, everyone. I
6	appreciate your time and effort.
7	Hopefully I was quick, even though I
8	speak fast. I know that's a problem for
9	some people here.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	CHAIRMAN GIANGREGORIO: Now would
3	like to invite Controller Phillips and
4	her team to come up to present.
5	Thank you for joining us.
6	COMPTROLLER PHILLIPS: So first, I
7	want to thank the entire Budget Committee
8	for inviting us today, the Chairman,
9	Legislator Giangregorio, Legislator
10	Ferretti, Legislator Kopel, Legislator
11	Abrahams and Legislator Drucker.
12	I also want to thank my team because
13	today doesn't just happen, as you well
14	know. Deputy Comptroller Betsy Hill,
15	who's in charge of our Accounting
16	Division, the Director of Accounting,
17	Lisa Tsikouras. And I have a whole team
18	behind me who are here in support and are
19	willing to answer any questions.
20	So you have a packet which will
21	allow you to look through the
22	presentation and it is on your left side.
23	I'm going to recommend you pull out the
24	sheet behind the presentation because
25	we're going to get there. That's your
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	little cheat sheet to talk about
3	budgetary reporting versus GAAP
4	reporting. And then on the right side is
5	just the actual Midyear Report that we
6	published and we sent to you via email.
7	So like Andy, we're going to talk
8	about what a strong fiscal position that
9	Nassau County is in. And really, thanks
10	to everyone's hard work here. We had
11	surpluses in governmental funds in fiscal
12	years 2019 through 2022, which is four
13	consecutive year end surpluses. In 2022
14	alone, it was a \$435 Million surplus as
15	of GAAP reporting. And as you can see,
16	the rating agencies have reflected and
17	have noticed the fiscal position that
18	Nassau County is in.
19	We're going to go into a little
20	detail. This kind of looks at the larger
21	picture. So you can see through 2019,
22	through 2022, we have total revenues, we
23	have expenditures, excess revenue over
24	expenditures that may be positive or
25	negative. And let me make a point there.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	You can see in 2022 that expenditures
3	were 40 million more than revenues. But
4	that's a positive. Okay. It says we paid
5	it out of reserves. We're using reserves.
6	There's no reason to continue to tax the
7	taxpayer if we use those reserves.
8	We have our total other financing
9	sources, which is basically borrowing net
10	change in Fund Balance. We take that net
11	change in Fund Balance every year to come
12	up with a 2022 Fund Balance at year end
13	of \$1.5 billion.
14	Now, I mentioned that little cheat
15	sheet, so let's take a quick look at it.
16	We talked about this last year. So you'll
17	see on the far left the five major funds.
18	This is what the Administration uses from
19	a budgetary accounting. It includes the
20	General Fund, Police Headquarters, Debt
21	Service, Fire Commission, Police
22	District. You'll then say see right below
23	that the NIFA calculation.
24	Then what you see is the three
25	operating. So this is GAAP reporting. So
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	the GAAP reporting includes retirement
3	contribution reserves, any type of
4	employee benefit, liability reserves,
5	litigation, open space, and so on and so
6	forth. So it's a more comprehensive way
7	of looking at Nassau County.
8	I mentioned the 2022 \$40 Million,
9	and I want to highlight in that \$40
10	Million expenditure, remember, we paid
11	tax certiorari liabilities. Payments were
12	made out of reserves, no revenue streams.
13	So when you pay out of reserves on a GAAP
14	reporting basis, you don't take that
15	money in as revenue. So there's an
16	expense, but there is no revenue source.
17	But we had the reserves. We paid the
18	deferred pension liability, I think Andy
19	mentioned it, \$123 Million in 2022.
20	There was \$30 Million remaining in 2023,
21	which has been paid off as of February.
22	And we had the retro longevity payments
23	that we paid in 2022.
24	I just want to take a second and
25	mention NIFA at this point, because I've
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	probably been the most outspoken about
3	the fact that Nassau County should not be
4	in a control period. So according to the
5	law, NIFA must declare a control period
6	upon determination that one of five
7	stipulated statutory findings has
8	occurred, or that there is a substantial
9	likelihood or imminence of its
10	occurrence. And I can tell you that
11	Nassau County does not meet any of the
12	five stipulations. And in fact, according
13	to NIFA's own calculation I'll go from
14	2019. In 2019, according to their own
15	calculation, Nassau County had a \$76.8
16	million surplus; 2020, 90.6 million;
17	2021, 27.2 million; and in 2022, 79.7
18	million. And keep in mind, NIFA's
19	calculation does not include reserves. So
20	we don't meet any of the five statutory
21	stipulated findings.
22	The Multiyear Budget has been
23	approved and I'm going to at the risk of
24	getting involved in a conversation that I
25	wasn't asked to get involved, I'm going

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	to address the Hospital also. So as Andy
3	clearly stated, the only financial
4	liability that Nassau County has is the
5	\$100 million of outstanding debt, of
6	which it's about 21 million from '23 to
7	when it is retired in 2029. That is
8	including principal and interest
9	payments. And no matter what happens to
10	the hospital, we cannot pay off that debt
11	any earlier. So there is no risk of
12	Nassau County having \$100 million even
13	though we have \$100 million in reserve
14	that we could pay this off. But there is
15	no risk for us having that debt
16	accelerated.
17	The other thing I just want to
18	clarify, there is a difference between
19	control and oversight. We all understand
20	until that debt matures, there will be
21	oversight by NIFA. We're talking about
22	control. NIFA can have control of the
23	Hospital, but that does not mean that
24	NIFA has control over Nassau County and
25	we should be in a control period. So I
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	say this truly, respectfully, of all the
3	individuals, professionals, that are
4	involved in NIFA, but it is time to let
5	Nassau County out of control.
6	So we'll look at the projections
7	that the Comptroller has for 2023 in a
8	minute. But I do want to do a quick
9	overview of the economy, because it
10	really is important on how we come up
11	with our projections.
12	If you look at Nassau County versus
13	New York State versus the United States
14	on page four, slide four, you'll see the
15	median household income in Nassau County
16	is over \$126,000 per year versus New York
17	State at \$75,000 and the US at \$69,000.
18	In fact, Nassau County's median household
19	income is ranked the seventh highest in
20	the United States.
21	The good thing on the other side is
22	our families below the poverty level are
23	also the lowest here in New York State
24	also. We have 5.8% of families that fall
25	below the poverty level in 2022 versus
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	New York State at 13.9% and the United
3	States at 12.8%.
4	Unemployment has remained
5	consistently below the State and the
6	United States. In 2022 is 2.5%. We just
7	jumped up slightly to 2.6% in May. That
8	could be a blip for the month versus New
9	York State at 3.9% and the United States
10	at 3.7%. So we are a wealthy county.
11	If you go to page five, we look at
12	GDP since 2020, we did have the two
13	quarters in 2022 that went negative
14	because employment was so robust. There
15	was no declaration of recession. And 2023
16	is looking fine at 2% and 2.4% in the
17	first and second quarters.
18	So you ask us what makes us
19	concerned, and it really has to do with
20	the Fed. So if you turn to page six, the
21	blue line on page six is CPI. The
22	inflation rate. The orange line is the
23	Federal Funds Rate, which is how they
24	control. They lower Fed funds when they
25	want to ease and open up borrowing, when
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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
2	they want to control the the economy,
3	they tighten. They raise the Fed Funds
4	Rate. The dash line is their targeted
5	inflation rate.
6	So you can see that inflation
7	spiked. It's been coming down. And in
8	fact, as of June, it was 3.09%, very
9	close to their targeted 2%. But the Fed
10	continues to raise interest rates. And
11	the risk here is really that they raise
12	interest rates too much. Larry Kudlow did
13	that years ago. They raised interest
14	rates too much. What happened? It was
15	more and more expensive to borrow. From
16	the residential side, mortgage rates
17	skyrocketed. From a corporate side,
18	companies stopped growing because they
19	couldn't afford the financing costs.
20	The Fed has been clear that they
21	want that 2% targeted inflation rate.
22	They've slowed down. We're seeing quarter
23	percent interest rate increases. But it's
24	something that we're going to be looking
25	at closely.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	The next page, page seven, really
3	tells you what we're forecasting for
4	2023, and we won't go through all the
5	tiny print there. We'll go through some
6	highlights of where we see risks and
7	opportunities. But from a bottom line on
8	a budgetary basis, we are forecasting a
9	surplus of \$103.7 million on a GAAP
10	adjusted. On a GAAP reporting basis, not
11	including GASB 87 and 96, we are
12	forecasting a surplus of 95.3 million.
13	So Lisa will walk us through some of
14	these major opportunities and risks that
15	we see versus the budget. So, Lisa,
16	please.
17	MS. TSIKOURAS: Good morning. So as
18	you can see from this table, these are
19	the primary or the key drivers of the
20	risks and opportunities that we
21	identified in our report.
22	The largest and you'll see it's the
23	first one on here are the payroll and
24	fringe savings. And the Comptroller's
25	Office has consistently excluded any
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	budgeted information or any budgeted
3	numbers for any unsigned collective
4	bargaining agreements. Reason being, we
5	don't know what those terms are going to
6	be. It would not be prudent for us to
7	guess and forecast something that we're
8	not sure of. So we always remove that.
9	That's consistent. We've done that over
10	many years.
11	The other big driver, the vacancies.
12	The way that we project is we take the on
13	boards and project those costs out.
14	So those are the two factors that
15	are driving these large variances. Some
16	of the variances in here, and you can see
17	that in the actual report, you'll see are
18	comprised of different categories,
19	savings in salaries, savings in fringe,
20	offset by some higher overtime costs that
21	we're projecting.
22	So the next one you could see on the
23	next page, you'll see the variances will
24	comprise the different categories right
25	there for the 93.8.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCL BUDGEI REVIEW COMMITTEE 08.07.2023
2	COMPTROLLER PHILLIPS: So the next
3	category is Sales Tax. And I'm going to
4	take this one because I like the scenario
5	analysis here.
6	So I'm going to have you turn to
7	page 11, which shows you our scenario.
8	In our forecast, we are forecasting a
9	\$70.8 million opportunity in sales tax in
10	2023 in collections. And the way we get
11	to that is we take what we've seen actual
12	to date, so real numbers through July,
13	and we're adding a 2% increase over the
14	2022 actual numbers for the remaining
15	half of the year. And where we got that
16	2% is we looked at what has happened in
17	the first three periods, first three
18	months of 2023. Actual sales tax are up
19	for 4.5% over '22 actual numbers. And
20	then in the second three periods we saw
21	they were up 3.9%. So around 4.2% year to
22	date.
23	So is \$70.8 million difference from
24	the budgeted actuals plus 2% or is \$88
25	Million? I mean, it's a forecast. We

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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	believe it's going to be somewhere in
3	between there.
4	But let's look at the downside. What
5	happens. And I'm going to show you some
6	cyclical numbers in a second that
7	probably would prevent any of this
8	downside. But the fact is, as you see on
9	the far side of the scenario chart, that
10	say actuals to date, -4% of what we saw
11	in the second half of 2022, we still have
12	a positive budget variance of 19.4
13	million. And in fact, if you go down 6%,
14	you're still slightly positive over 2022.
15	All great numbers.
16	Go to the next slide, page 12,
17	because this is the trends that I just
18	referenced and don't worry about which
19	trend is which, because there's a lot of
20	lines on this chart. But I think what you
21	want to look at is just how they all kind
22	of go in tandem. May through June, you
23	see a spike in sales tax revenue, June,
24	July kind of things go down and kind of
25	hover around. And then in August through
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1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	December, in every year, we've seen a
3	spike in sales tax revenue; back to
4	school, holidays, Halloween, Christmas,
5	all the different holidays. So there
6	really has been no year where we haven't
7	seen this trend.
8	And I'm going to ask you to go to
9	page 13. Page 13, the actual budgeted
10	amounts since 2013 are in the orange bar
11	charts. The blue line is the actual sales
12	tax collected. So you can see with the
13	exception of 2021 because of COVID, in
14	2020 and 2021, we've really kind of been
15	around where we've budgeted. But I think
16	the point we're trying to make here is
17	the rating agencies since day one that
18	municipalities have used sales tax
19	revenue in their operating budgets they
20	have thrown up a red flag and said, you
21	know, we're concerned about sales tax
22	revenue, but this chart really indicates
23	that sales tax revenues don't vary that
24	much here in Nassau County. We've been
25	anywhere, from 2013 to 2018, anywhere

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	from the 1.1 billion to 1.2 billion, \$100
3	million variance. Not that much on a
4	budget our size.
5	And then in 2019, I'll remind you
6	that New York State passed the enhanced
7	Internet Sales Tax Legislation which
8	required online sellers to charge New
9	York state sales tax. Then we had COVID,
10	and now we seem to be around that 1.5
11	billion. My guess is we will be around
12	that 1.5 billion plus inflation.
13	We then went back, and we don't show
14	you this, we went back all the way back
15	to 2008. We went back and said what
16	percentage is sales tax in our overall
17	revenue pie? And the fact is it ranges
18	anywhere from 31 to 36%. So I just want
19	to kind of clarify every time the rating
20	agencies say, "but they're using sales
21	tax revenue in their budget". Well, yeah,
22	we're using sales tax revenue in our
23	budget because it is revenue that has
24	proven to be consistent.
25	MS. HILL: In my experience in the
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Ī	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	municipal bond market it's always been an
3	issue that sales tax was less reliable
4	than property tax. Property tax goes back
5	to the 1800s or even much earlier, but
6	sales tax is something of the 1900s. And
7	so it was sort of new. There were there
8	were changes over time. But most
9	significantly, I think, is that when you
10	have a built out area like Nassau County
11	or New York City, the sales tax are
12	pretty consistent. The problem has been
13	in more rural areas. And I can remember
14	some bond defaults, particularly in
15	Colorado, where a Walmart moved in and
16	they got all this sales tax. So they
17	built a new county hall and ten years
18	later Walmart left and they had to
19	default on the bonds. So it's really
20	something that doesn't affect an area
21	like Nassau County. It's more in the
22	rural areas where they have that
23	variation that goes on.
24	COMPTROLLER PHILLIPS: And I'm going
25	to give the County Executive and the
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[NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	County Administration a shout out here.
3	With the development that's going to
4	happen at the Nassau Coliseum, what's
5	happening south of the UBS Arena, what
6	may happen when it comes to NYU Langone,
7	this is all positive, really great
8	economic drivers for Nassau County.
9	So I'm going to turn it back to Lisa
10	and we're going to go through some of the
11	other opportunities for us.
12	MS. TSIKOURAS: So now when we go to
13	investment income, we're projecting an
14	opportunity of 54.8 million. And I think
15	it's not a surprise to anyone based on
16	the Fed Funds rates going up 11 times
17	since March of '22, and the cash balances
18	that the County is holding.
19	We took we took basically a run rate
20	is what we looked at. However, we did
21	take a haircut towards the end of the
22	year as more expenditures are being paid
23	out, particularly pension, since the
24	pension is current at this point, we
25	don't believe that there is a decision at
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	this point by the Administration on
3	taking any further amortization. So we
4	took a little bit of a haircut there, but
5	we believe that there's an opportunity of
6	about \$54.8 million.
7	Rents and recoveries. What's driving
8	the 37.8 million in opportunities is the
9	receipt under the Sands Agreement of 54
10	offset by some additional risks that
11	we've projected in one of the items
12	that's always in the budget or the
13	disencumbrances, those are not revenue.
14	Because it's just an obligation that's
15	being eliminated. So it's not a true
16	revenue stream. And so we eliminate that.
17	That was approximately almost \$6 million.
18	And then there's sale of county property
19	we don't include until it's actually
20	closed, the sale has closed.
21	We also have a \$25 Million
22	opportunity in contingency because at
23	this point, based on our projections, we
24	don't anticipate that the County is going
25	to need that \$25 million.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	State aid is projected to have an
3	opportunity of approximately \$19 million,
4	and that's mainly due to higher money for
5	the bus operations and some state
6	reimbursements on early intervention and
7	preschool costs in addition to some of
8	the DSS programs, which we know things
9	like safety net and daycare, and we'll
10	talk about those expenditures a little
11	bit later.
12	And we're projecting a positive 12.7
13	opportunity in debt service. And this is
14	based on delays in issuances. And we
15	utilize the amortization schedules of the
16	current debt to come up to that number.
17	So we're very confident in our debt
18	service projections at this point.
19	Let's talk about some of the
20	unfavorable risks. We're going to start
21	with property tax refunds. You'll see
22	there's a $-$ \$80 Million there. And that's
23	mainly because when we present our
24	projections, we are including the
25	reserves in our numbers. So as the

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	Comptroller stated earlier, you have a
3	real expenditure, but you don't have a
4	true revenue stream because you're using
5	Fund Balance on that. So yes, we're
6	projecting the \$80 Million risk. However,
7	we believe that any payments coming out
8	this year will be fully funded through
9	the reserves, through the DAF as well.
10	Now we'll go to Departmental
11	Revenues, which has the next highest risk
12	(Slide 15). Similar to what the Budget
13	Office had stated earlier, we're
14	projecting a risk in some of the real
15	estate fees, GIs, tax map, mortgage and
16	deed recording. Those are the big drivers
17	of that risk. And that's primarily,
18	again, no big surprise due to the slowing
19	of the real estate market. We utilize run
20	rates and look at historical trends to
21	come up with that information.
22	The other big driver is the 5
23	million that was budgeted for the income
24	and expense law, which we understand is
25	still pending. And then some other small
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	fees back and forth that give us the
3	total net 41.2 risk.
4	The next slide, Fines and
5	Forfeitures. So we're projecting a risk
6	of 21.5 million in that category, mainly
7	driven by TPVA fees. We see that the
8	trend of the collections is not coming in
9	as budgeted. There is always an
10	opportunity if collections pick up that
11	those numbers would be coming in lower
12	or a lower risk, I should say. And then
13	we've also risked the full 3 million for
14	boot and tow, as we know that that
15	initiative has been on hold. And the
16	school bus camera, we took a haircut on
17	that because we know that at least one
18	town has implemented the program and the
19	funds that the County would be receiving
20	are much lower than, I think, what it was
21	initially anticipated.
22	The next category is Early
23	Intervention on the first page, 14.4
24	risk. And this is again, primarily due to
25	higher caseloads than budgeted. I think
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	this was the early intervention
3	preschool. This was discussed earlier as
4	well by OMB. We're also anticipating a \$6
5	Million opportunity in State Aid for
6	those funds. So the net would be
7	approximately an \$8.4 million Fund
8	Balance effect.
9	Social services, we are projecting
10	an \$11.7 Million risk. If you look at the
11	slide on page 17, you'll see that there
12	are multiple drivers of this amount. We
13	project shortfalls in recipient grants,
14	purchase services and emergency vendor
15	payments and with the latter two due to
16	an increase in the demand for daycare and
17	higher costs and safety net assistance
18	caseloads. And again we receive a portion
19	back on state aid for that information.
20	We're also looking at the trends in
21	Medicaid. And based on the trends we're
22	seeing that there could be a possible
23	\$22.5 Million opportunity there.
24	COMPTROLLER PHILLIPS: So in
25	summary, and I'm really stealing this
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	slide from OMB because it's true. Think
3	about it. Bond upgrades, strong and
4	resilient economic base, highest general
5	fund reserves in years, structurally
6	balanced budget. We're addressing the tax
7	cert backlog. We have a strong cash
8	position and we're strengthening the
9	County's balance sheet. Hats off to you.
10	Hats off to the Administration for
11	getting Nassau County in the best fiscal
12	position we've probably ever have been.
13	I'm going to ask for a few more
14	minutes of your time because in the
15	Comptroller's Office we are spearheading
16	the project to replace the financial
17	system. So I kind of have you captured
18	right now. I thought I'd have more of
19	you. So if you will bear with us for two
20	or three more minutes to talk about
21	"Nassau Forward", because it probably is
22	one of the biggest initiatives that
23	Nassau County has done in years. So,
24	Betsy, please.
25	MS. HILL: Nassau Forward is the

1	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	project to replace the existing financial
3	software system, which no longer meets
4	the needs of the County. We're fortunate
5	because we have the executive sponsors of
6	both the County Executive and the County
7	Comptroller, which is critical to make
8	this a success.
9	In June 2022, Anna Sousa, joined our
10	team in the Comptroller's Office. She's
11	got years of experience with the County,
12	which makes her an excellent project
13	manager for this project. In July, after
14	Anna joined us, we started working with
15	the consultant Plante Moran, which was
16	selected by the prior administration to
17	develop the needs analysis, the market
18	assessment and the RFP, and they'll also
19	help us through contract negotiations. We
20	plan to send to you the needs analysis
21	and the market assessment as background
22	for when you are going to be asked to
23	approve the vendor that we select next
24	year.
25	Gartner is also another consultant

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[NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	who's helping with us in the RFP and on
3	input on the contract issues, and they
4	will be our project manager for quality
5	assurance once we have the vendor and the
6	implementer in place.
7	The Town of Hempstead has recently
8	been through an implementation and
9	they've also given us some good advice as
10	well.
11	In September, we brought the
12	consultants to Nassau County and we had a
13	large kickoff meeting with all the major
14	departments that are working with us. Of
15	those involved, we've continued with
16	interviews through many months and it
17	took 36 county agencies and departments
18	working with us, 210 employees and 3100
19	hours of work to develop these reports
20	that were necessary for this project and
21	to build the knowledge we needed.
22	We also have a Project Steering
23	Committee of seven voting members with
24	five non-voting members of senior county
25	executives representing the various
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NCL BODGET REVIEW COMMITTEE 08.07.2023
2	departments that are the majority use of
3	the and support of the financial software
4	system. So they'll help us ensure that
5	this project gets the right attention it
6	needs. They'll oversee the project
7	development and the vendor selection and
8	the implementation of the new system and
9	help us when we ever run into a hitch.
10	They already have approved the RFP which
11	was previously approved by the Software
12	Selection Committee. That has already
13	taken place and in July, we released the
14	the RFP. So we're moving along.
15	We have a Software Selection
16	Committee, which is 11 members who are
17	daily users of the NF System, six
18	technical advisors who use the software
19	or are in IT or in purchasing, and three
20	non-voting members who are helping with
21	the RFP process. They from now on, will
22	be selecting the implementer and vendor
23	through the RFP process. Those
24	individuals could spend up to 184 hours
25	through January when we hope to make the

]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	final analysis, per person to complete
3	that process.
4	In January when we've selected, then
5	the contract will move to legal. It may
6	take several months before they can work
7	out the issues between the vendor and the
8	implementer and Nassau County. During
9	that time, we need to start engaging back
10	up people to what we call the subject
11	matter experts or the functional leads,
12	many of whom were people on the Solution
13	Selection Committee, and they will be
14	involved in the development of the plans
15	and the implementation of the project and
16	they will almost be working full time,
17	most of them. We've estimated there's
18	about 16 that will need to be involved in
19	that and they'll be working many hours
20	starting in June and beyond. So that gets
21	us to hopefully an implementation
22	starting sometime in 2025.
23	COMPTROLLER PHILLIPS: It's a big
24	project and I'd like to thank Betsy, Anna
25	and really every Department in Nassau
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	County. Because, as she has indicated, to
3	get us to the RFP process, just to get
4	the RFP, it took months and months of
5	hard work dedication to map out the
6	procedures of Nassau County so we could
7	make sure that the RFP is a comprehensive
8	RFP and will meet the needs.
9	I'd also like to say it is critical
10	and thank you to the support of the
11	Administration that we have people
12	dedicated to the implementation of this
13	project. I believe what happened, I
14	wasn't here, but the last time we went
15	through this process, the commitment on
16	behalf of personnel allocation just
17	wasn't there. We don't have a choice in
18	this. We're using a financial system that
19	was put in place in 1999. And I'm kind of
20	looking at Kevan right now because you're
21	there. You get it. You know how
22	antiquated a system like this is and the
23	patchwork that the County has done to
24	keep the financial systems in place is
25	commendable. But it's time. Hopefully

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	will be my legacy that I leave for Nassau
3	County.
4	Any questions?
5	CHAIRMAN GIANGREGORIO: Thank you.
6	Legislator Ferretti.
7	LEGISLATOR FERRETTI: Elaine, good
8	to see you.
9	COMPTROLLER PHILLIPS: Nice to see
10	you too.
11	LEGISLATOR FERRETTI: Thank you for
12	your in-depth report, as always. Very
13	informative. Thank you to your team. I'll
14	be pretty quick.
15	You made some comments about the
16	NIFA control period, and we've had
17	discussions before about this. Can you
18	just tell us again the five criteria you
19	went through.
20	COMPTROLLER PHILLIPS: Sure. I can
21	read them to you: "The criteria for
22	control:
23	Number one, the County shall have
24	failed to pay principal and interest on
25	any of its bonds. Obviously, that's not
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	the case.
3	Number two, the County shall have
4	incurred a major operating fund deficit
5	of 1%. Or more in the aggregate in the
6	results of operating during its fiscal
7	year, assuming all revenues and
8	expenditures are reported in accordance
9	with GAAP.
10	Number three, the County shall have
11	otherwise violated any provisions of the
12	act, and such violations would impair the
13	marketability of the County's bonds or
14	notes. Not the case.
15	Number four. This one's long, so I'm
16	going to paraphrase a little bit. The
17	County's Treasurer certification at any
18	time at the request of NIFA or on the
19	County Treasurer's initiative, that on
20	the basis of facts existing at the time,
21	the County Treasurer cannot make the
22	certification that securities sold by or
23	for the benefit of the County and the
24	general public market during the fiscal
25	year immediately preceding such date, and
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[NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	then current fiscal years are satisfying
3	the financial requirements of the County.
4	So basically we can't pay our debt.
5	Number five, if in regards to the
6	County's financial plan covering the
7	County and the covered organizations, the
8	County fails to make the required
9	modifications after reductions in revenue
10	estimates or to provide a modified plan
11	in detail and with such time period
12	required by NIFA."
13	LEGISLATOR FERRETTI: So just going
14	through those five, I'm trying to
15	understand and I know obviously you
16	don't represent NIFA, obviously this
17	is statutory. There are five things, any
18	one of which could trigger a NIFA control
19	period to continue, correct?
20	COMPTROLLER PHILLIPS: Correct.
21	LEGISLATOR FERRETTI: What are they
22	claiming out of those five things is
23	triggered? Because it sounds like this
24	is not disputable.
25	COMPTROLLER PHILLIPS: I'll let NIFA
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I	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	answer that question. I will say based on
3	rebuttals to me in Newsday, that they
4	want to look at the Multi-Year Plan
5	again. But it's kind of a you know, it's
6	a wheel now. They've approved the
7	Multi-Year Plans.
8	LEGISLATOR FERRETTI: I guess what
9	I'm asking is because, again, it's
10	statutory. So there are five trigger
11	things that could trigger a NIFA control
12	period. And I know you paraphrased one of
13	them. I don't see anything in there that
14	says a projection for years in advance,
15	unless I missed it. No, right?
16	Number two, specifically, if I heard
17	you right, can you read number two again?
18	COMPTROLLER PHILLIPS: Number two,
19	"the County shall have incurred a major
20	operating fund deficit of 1% or more in
21	the aggregate in the results of the
22	operation during its fiscal year,
23	assuming all revenues and expenses are
24	reported in accordance with GAAP."
25	LEGISLATOR FERRETTI: And that was
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	incurred, right?
3	COMPTROLLER PHILLIPS: Right.
4	LEGISLATOR FERRETTI: Not will incur
5	or could incur, but incurred meaning
6	there was a 1% deficit.
7	LEGISLATOR FERRETTI: Well, but let
8	me make a clarification just so we're
9	clear for the record. It's: "NIFA may
10	declare a control period upon
11	determination of one of five stipulated
12	statutory findings that have occurred or
13	that there is a substantial likelihood or
14	imminence of its occurrence." So that
15	gets in the Multi-Year Plan.
16	LEGISLATOR FERRETTI: Okay. So this
17	is essentially just a poorly written
18	statute because the number two says
19	"incurred".
20	COMPTROLLER PHILLIPS: Correct.
21	LEGISLATOR FERRETTI: So how can you
22	have something "likely to have incurred"?
23	So what it's saying is if it's "likely to
24	have incurred", it doesn't make sense.
25	So. All right.
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	Basically, it doesn't make sense.
3	But the the bottom line is, it seems like
4	everyone concedes that none of those five
5	elements are met. None of them are
6	triggering
7	COMPTROLLER PHILLIPS: I'll remind
8	the Legislature that Nassau County's
9	liability for NUMC, for the hospital, is
10	\$100 million of debt outstanding. I am
11	talking about purely financial liability.
12	Social is another issue. But the
13	financial liability that we have, it's
14	\$21 million until 2029. And no matter
15	what happens with the hospital, we are
16	not obligated. In fact, we can't pay that
17	100 million off early.
18	LEGISLATOR FERRETTI: But even if we
19	could
20	COMPTROLLER PHILLIPS: But we can't.
21	We have the money to do it.
22	LEGISLATOR FERRETTI: We have the
23	money to do it.
24	COMPTROLLER PHILLIPS: We have the
25	money to do it. But we aren't allowed.
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2	LEGISLATOR FERRETTI: I understand.
3	We're not allowed. We're not underwater.
4	We have the money to do it if we had to.
5	COMPTROLLER PHILLIPS: Right.
6	And then there's, we do have a
7	contract with the Hospital to provide
8	medical services to the County Jail.
9	LEGISLATOR FERRETTI: So what
10	recourse do we have? I mean, this seems
11	to me to be an obvious power grab,
12	control grab by NIFA who shouldn't be in
13	control and seems to be defying the
14	statute. I mean do we have any?
15	COMPTROLLER PHILLIPS: I'm not a
16	lawyer, so I'm going to look at you as a
17	lawyer. There's legal action. And you
18	know, I said it last year. In fact, I
19	think I did some comparisons last year of
20	other counties in New York State. We are
21	so far better off than New York State as
22	was mentioned earlier, needless to say,
23	the State Comptroller is estimating \$12
24	billion deficits in the next couple
25	years. I just can't explain why they're
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	here in Nassau County. There are so many
3	other municipalities that are in a
4	totally different financial position than
5	Nassau County, and I say that
6	respectfully to the professionals that
7	are on the board and that work there.
8	There's some really smart people there.
9	Nassau County should not be in a control
10	period.
11	LEGISLATOR FERRETTI: It's not easy
12	to get to
13	COMPTROLLER PHILLIPS: Oversight is
14	fin
15	LEGISLATOR FERRETTI: This crosses
16	over multiple administrations and all of
17	us. It's not easy to get where we are.
18	And we're in a pretty good financial
19	position and we're being to told by this
20	oversight board essentially that we're
21	not. And it's just not true.
22	COMPTROLLER PHILLIPS: It's not
23	true. It's just not true.
24	LEGISLATOR FERRETTI: Anyway, thank
25	you for going through that statute with
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	me.
3	COMPTROLLER PHILLIPS: Just so you
4	know, you did receive the ACFR. It's in
5	the transmittal letter on page nine, just
6	in case you want to go in and make a copy
7	of it.
8	LEGISLATOR FERRETTI: Thank you.
9	CHAIRMAN GIANGREGORIO: Minority
10	Leader.
11	LEGISLATOR ABRAHAMS: Thank you. How
12	are you, Comptroller Phillips. Good to
13	see you again.
14	COMPTROLLER PHILLIPS: Good, thank
15	you. Nice to see you.
16	LEGISLATOR ABRAHAMS: I guess
17	because I'm the I feel like I'm one of
18	the older ones. But I guess in terms of
19	my tenure, I'm one of the older statesmen
20	here. If I remember correctly and I
21	totally agree with everything that you
22	just brought up. But if I remember
23	correctly, the repeal of the home energy
24	tax, whether politically you liked it,
25	didn't like it, but when that repeal
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	happened, it created and touched to the
3	fifth point that you talked about and
4	triggering the control board.
5	COMPTROLLER PHILLIPS: Okay.
6	LEGISLATOR ABRAHAMS: The problem
7	is, and I totally agree with Legislator
8	Ferretti, though there are mechanisms
9	that are created to trigger the control
10	board, there is no mechanisms in place to
11	dissolve it, which to me would warrant, I
12	would think, if the Administration got
13	our side to a comfort level on some of
14	the issues that we had been talking about
15	today, we talked about the tax
16	certiorari, the new liability, obviously,
17	we talked about the hospital, and I
18	envisioned it was going to be some level
19	of discussion in the next couple of
20	months on the collective bargaining
21	agreements, we would be willing to talk
22	about how a mechanism that could be
23	created, that could be done bipartisan,
24	that we could support that would dissolve
25	NIFA. We all are in the best interest of
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	dissolving NIFA. Everybody wants to be
3	able to do that. But at the same time, we
4	have to have some type of level of
5	comfort, which I would think you would
6	agree, that we are working in a
7	bipartisan fashion. These issues I view
8	as the last remaining issues that are
9	there. Whether sales tax goes up and
10	down, I know Andy brought it up, or
11	whether inflation or recession, that's
12	something every municipality has to
13	govern through. That's not new. That's
14	right. But some of the issues that I'm
15	talking about, tax certiorari liability,
16	it's been around for when was that?
17	1939, 1938. Since we've been reassessing
18	off of that?
19	COMPTROLLER PHILLIPS: County
20	guarantee.
21	LEGISLATOR ABRAHAMS: County
22	guarantee. The Hospital, ever since they
23	spun off into the Public Benefit
24	Corporation since 1999, the County,
25	should have sold it to them for \$1
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	instead, made them pay it back for over
3	\$100 million. That was a mistake. So it
4	just seems to be those lingering issues
5	which if they could be resolved, we'll be
6	happy to talk. But I think those issues
7	are there and we have to figure out a way
8	to get past them.
9	And that's kind of what I wanted to
10	get your thoughts on. Do you agree in
11	that capsulated type of thing that those
12	issues are still of concern to the County
13	or should be concerned to the County? And
14	I know I talked a lot. Very long winded.
15	COMPTROLLER PHILLIPS: That's okay.
16	So I was really pleased to hear Andy
17	talk about the tax certiorari liability.
18	The ongoing is there you know, the 75 ish
19	type million dollars. He made a great
20	point. You know, we've done some, I
21	think, great analysis on how the tax
22	shift occurs and who gets impacted and
23	how it really occurs. That we can talk
24	about at a different meeting. But to hear
25	the fact that in the Plan that that past

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i	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	liability is being paid down and we see
3	it happening, I think is a real step
4	forward to what you're addressing.
5	The Hospital, I'm just going to keep
6	repeating myself and this takes nothing
7	away from my feeling on a social
8	standpoint. But the fact is, the
9	liability that the County has is \$100
10	million.
11	LEGISLATOR ABRAHAMS: Yep. Thank you
12	again.
13	COMPTROLLER PHILLIPS: Thank you.
14	LEGISLATOR FERRETTI: Just real
15	quick.
16	I agree with Legislator Abrahams.
17	There's nothing in the statute that
18	dissolves the control period. I haven't
19	read this in a while, I think the last
20	time we talked about this was like a year
21	and a half ago. But if I remember
22	correctly, the statute does trigger an
23	end to the control period if none of
24	those five things are met.
25	MS. HILL: I think that they're
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	obligated to eliminate it when they no
3	longer meet these.
4	COMPTROLLER PHILLIPS: When they
5	believe they no longer I mean, it's
6	been a year since we read it, too, and we
7	were very focused on this.
8	LEGISLATOR FERRETTI: It says that
9	if those if none of those five
10	elements I keep calling them elements,
11	they're not elements but if none of
12	those five trigger mechanisms can be
13	triggered in the statute, that the
14	control period ends. So there is a
15	mechanism. That's it. It should be ended.
16	All we're dealing with, I don't want get
17	on a soapbox, but it's like you give
18	especially in New York state one of
19	these agencies control of something and
20	they never want to give it up. You know,
21	you see that we saw it with COVID, with
22	the Department of Education, all this
23	stuff. And this agency has this constant
24	power grab and control grab that they
25	have over us. And it's not clear in the
	$mod \ Key \ coupm \ dedonative \ The \ (516) \ 414 \ 2516 \ code$

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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
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2	statute and I don't know if that's on
3	purpose or not, but none of those five
4	things are met. That control period
5	should statutorily be over and they
6	shouldn't be able to just unilaterally
7	make stuff up to continue this control
8	period. And I would argue that it's over.
9	The statute says if none of those five
10	things are met
11	MS. HILL: Item number five relates
12	to the Financial Plan, which is your
13	Multi-Year Plan. And they have also
14	approved that we have it in the
15	minutes for the least the last two
16	years. That was the one thing I think
17	was the sticker.
18	COMPTROLLER PHILLIPS: That was the
19	issue they were bringing.
20	LEGISLATOR FERRETTI: I know. They
21	say that it's not over because they say
22	it's not over.
23	COMPTROLLER PHILLIPS: I believe it
24	was last year that Governor Hochul set
25	aside \$2.7 billion for state hospitals. I
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]	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	
2	don't know how much money we received,
3	but there's billions of dollars of our
4	state tax dollars going to support
5	hospitals. I can only hope that that
6	money is coming to Nassau County also.
7	LEGISLATOR ABRAHAMS: Comptroller,
8	are you a part of the same Mr. Persich
9	mentioned that there was ongoing
10	discussions in terms of bringing some
11	type of, hopefully, some resolution to
12	the hospital? Are you a part of that?
13	COMPTROLLER PHILLIPS: No.
14	LEGISLATOR ABRAHAMS: You're not a
15	part of those discussions. Okay. He
16	mentioned "they" I didn't want to force
17	him to divulge. Didn't want to put him
18	under a light in a dark room, or
19	waterboard him or something crazy to try
20	to get him to divulge.
21	COMPTROLLER PHILLIPS: No.
22	LEGISLATOR ABRAHAMS: He mentioned
23	"they". I didn't know if you were part of
24	that "they".
25	COMPTROLLER PHILLIPS: No.
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2	CHAIRMAN GIANGREGORIO: If there are
3	no further questions.
4	(Whereupon, no verbal
5	response.)
6	CHAIRMAN GIANGREGORIO: Thank you
7	very much.
8	COMPTROLLER PHILLIPS: Thank you.
9	CHAIRMAN GIANGREGORIO: Public
10	comment. Is there anyone in the Chamber
11	that would like to make a comment?
12	(Whereupon, no verbal
13	response.)
14	CHAIRMAN GIANGREGORIO: Okay. Thank
15	you very much.
16	COMPTROLLER PHILLIPS: Thank you
17	very much.
18	
19	(Whereupon, above matter concludes,
20	12:25 p.m.)
21	
22	
23	
24	
25	
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	NCL BUDGET REVIEW COMMITTEE 08.07.2023
1	NOL DODOLI NEVILW COMMITTEE 00.07.2023
2	CERTIFICATE
3	
4	STATE OF NEW YORK)
5	: SS.:
6	COUNTY OF NASSAU)
7	
8	I, KAREN LORENZO, a Notary Public
9	for and within the State of New York, do
10	hereby certify:
11	That the above is a correct
12	transcription of my stenographic notes.
13	IN WITNESS WHEREOF, I have hereunto
14	set my hand this 7th day of August, 2023.
15	
16	Karen Lorenzo
17	Karen Lorenzo
18	
19	
20	
21	
22	
23	
24	
25	
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