

## Fair Housing Seminar Approval Resolution

A meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 1550 Franklin Avenue, Mineola, County of Nassau, New York, on May 17, 2017, at 5:00 p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

### PRESENT:

Timothy Williams	Chairman
Christopher Fusco	Asst. Secretary
Michael Rodin	

### NOT PRESENT:

Gary Weiss	Secretary
John Coumatos	Vice Chairman

### THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Executive Director
Joseph Foarile	Chief Financial Officer
Colleen Pereira	Administrative Director
Nicholas Terzulli	Director of Business Development
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2017-30 was offered by M. Rodin, seconded by C.

Fusco:

Resolution No. 2017-30

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING A CONTRACT TO PROCURE CERTAIN FAIR HOUSING TRAINING SERVICES AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Nassau County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the Agency requires the services of a qualified person or organization to (i) develop a written curriculum for a fair housing training seminar to be administered to the members and certain officers of the Agency (the "Seminar"), (ii) conduct the Seminar, and (iii) perform related professional services as required by the Agency (collectively, the "Services"); and

WHEREAS, the Agency issued a Request for Qualifications to Provide Certain Fair Housing Training Services (the "RFQ") seeking statements of qualifications from persons and organizations interested in providing such Services, and the Agency published notice of the issuance of such RFQ on March 22, 2017 in *Newsday*; and

WHEREAS, the Agency received a statement of qualifications (the "Statement") from the law firm of Nixon Peabody LLP (the "Respondent") expressing interest in providing the Services; and

WHEREAS, in accordance with its Charter, the Finance Committee of the Agency reviewed the Statement, determined that an interview of the Respondent would not be necessary or desirable and found that the Respondent meets the minimum requirements set forth in the RFQ and is qualified to provide the Services; and

WHEREAS, the Agency desires to procure the Services as set forth in the Statement from the Respondent, subject to compliance with the Agency's policies and procedures and applicable law;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby ratifies and confirms all actions heretofore taken by the Agency's staff and the Finance Committee in connection with the procurement of the Services pursuant to the RFQ.

Section 2. The Agency hereby determines that the procurement of the Services pursuant to the RFQ constitutes a procurement of professional services involving the application of specialized skills and expertise and the use of professional judgment and, therefore, is not subject to the competitive bidding requirements of the Agency's Statement of Procurement Policy and Procedures. In determining whether the Services constitute professional services, the Agency has taken into consideration the following: (i) whether the Services are subject to licensing or testing requirements, (ii) whether substantial formal education or training is a necessary prerequisite to the performance of the Services, and (iii) whether the Services require a personal relationship between the Respondent and the members of the Agency.

Section 3. The Agency hereby determines that the procurement of the Services is in furtherance of the Agency's corporate purposes of promoting economic development and job opportunities for the residents of Nassau County.

Section 4. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, "SEQRA") involving "continuing agency administration" which does not involve "new programs or major reordering of priorities that may affect the environment" (6 NYCRR §617.5(c)(20)) and therefore no Findings or determination of significance are required under SEQRA.

Section 5. The Agency hereby accepts the recommendations of the Finance Committee (i) that an interview of the Respondent not be required, and (ii) that the Respondent is found to meet the minimum requirements set forth in the RFQ and is qualified to provide the Services. The Agency hereby authorizes the Executive Director to take all actions required to procure the Services from the Respondent at a cost not to exceed \$10,000, which is the lowest cost proposal received by the Agency for the Services and which the members of the Agency determine is a reasonable cost for the Services.

Section 6. The Agency hereby authorizes the Executive Director to negotiate and enter into a contract for services or similar agreement with the Respondent with respect to the Services, on such terms and subject to such conditions as the Executive Director may deem advisable or necessary, subject to the terms of this Resolution, the Agency's budget for the type of services required and the requirements of the RFQ. The Executive Director's execution of any such agreement or contract shall evidence the Agency's approval of the terms thereof.

Section 7. This Resolution shall not preclude the Agency from appointing and engaging other consultants or contractors as determined from time to time by the members of the Agency.

Section 8. This Resolution shall take effect immediately.

ADOPTED: May 17, 2017

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Gary Weiss	EXCUSED	
Christopher Fusco	VOTING	Aye
Timothy Williams	VOTING	Aye
John Coumatos	EXCUSED	
Michael Rodin	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF NASSAU            )


We, the undersigned [~~Vice~~] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 22, 2017 with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 17<sup>th</sup> day of May, 2017.

  
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[Assistant] Secretary

  
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[Vice] Chairman

(SEAL)