

AGENDA

BOARD OF EDUCATION • LEVITTOWN, NEW YORK

LEVITTOWN UNION FREE SCHOOL DISTRICT • TOWN OF HEMPSTEAD • LEVITTOWN, NEW YORK
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SPECIAL MEETING

LEVITTOWN MEMORIAL EDUCATION CENTER
Wednesday, January 20, 2016

Immediately following the Budget Planning Session

Success for Every Student

I. CALL TO ORDER

II. PUBLIC BE HEARD

III. ACTION ITEMS: NEW BUSINESS

Resolution Authorizing Commencement of Litigation

Recommended Motion: “WHEREAS, the LIPA Reform Act of 2013 (“LIPA Reform Act”) was enacted into law by the State Legislature and Governor; and

WHEREAS, the District believes that Nassau County has incorrectly and illegally implemented provisions of the LIPA Reform Act to the District’s detriment; and

WHEREAS, additionally, on or about September 30, 2015, the County unilaterally, arbitrarily and without legal authority reduced the tax levy approved by the voters of the District and certified by the District to the County, to the detriment of the District; and

WHEREAS, to date, the District has not received from the County its full share of the payments in lieu of taxes (“PILOTS”) paid or required to be paid by the Long Island Power Authority (“LIPA”), and the County has improperly taken the position that the “County Guarantee” does not apply to these PILOT payments.

NOW, THEREFORE, upon recommendation of the Superintendent of Schools and District legal counsel,

IT IS HEREBY RESOLVED, that Lamb & Barnosky, LLP, as the District’s legal counsel, is hereby authorized to commence an action and/or special proceeding against the County of Nassau and its relevant officers, administrators, employees, agencies and agents seeking to

challenge Nassau County's improper implementation of the LIPA Reform Act and its refusal to hold the District harmless from its implementation, including the non-payment of PILOTs; and

IT IS FURTHER RESOLVED, that Lamb & Barnosky, LLP, as the District's legal counsel, is further authorized to commence an action and/or special proceeding against LIPA, either as part of its action or proceeding against the County or a separate action/proceeding, to seek full recovery of all PILOT payments due the District; and

IT IS FURTHER RESOLVED, that Lamb & Barnosky, LLP shall divide the legal fees and litigation costs among its School District clients that join this litigation and accordingly bill the District on a pro-rata basis."

IV. MOTION TO ADJOURN