

A Video Conference Meeting of the Dormitory Authority of the State of New York (“DASNY”) among DASNY’s Offices in New York City, 28 Liberty Plaza, New York, New York, 515 Broadway, Albany, New York and 6047 Transit Road, Suite 103, Buffalo, New York was held on Wednesday, February 14, 2024, with proceedings commencing at 9:54 a.m.

**CALL TO ORDER / ROLL CALL**

The Meeting was called to order by Lisa Gomez, Board Chair at 9:54 a.m. The following Board Members and Staff were present:

**Board Members Present – NYCO**

Lisa Gomez, Board Chair  
Gerard Romski, Esq. – Vice Chair (*Via Zoom*)  
Beryl L. Snyder, Esq., Board Member  
Alfonso L. Carney, Jr. – Board Member  
Robert Rodriguez – Board Member

**Board Members Present – Albany**

Joan M. Sullivan – Board Member (*Via Zoom*)  
Adrian Swierczewski, Designated Representative of the Director of Budget, Board Member (*ex officio*)  
Ken Evans, Designated Representative of the Commissioner of Health, Board Member (*ex officio*)

**Board Members Present – Buffalo**

Janice McKinnie – Board Member

**Board Members Absent**

Wellington Chen – Board Member  
Christina Coughlin, Designated Representative of the Commissioner of Education, Board Member (*ex officio*)

**Staff Members Present**

Charlie Williams, Vice President  
Stephen Curro, Managing Director of Construction  
Kimberly Ellis, Chief Financial Officer  
Nadine Fontaine, Esq., General Counsel  
Portia Lee, Managing Director, Public Finance and Portfolio Monitoring  
Sara Potter Richards, Managing Director, Executive Direction  
Matthew Moore, Deputy General Counsel  
Ricardo Salaman, Deputy General Counsel  
Dena Amodio, Associate General Counsel  
Dan Brown, Senior Director, External Relations  
Matt Bergin, Director, Public Finance  
Stephen Kosier, Assistant Director, Public Finance  
David Ostrander, Assistant Director, Public Finance  
Alex Sirdine, Senior Financial Analyst

Jerry Brouillette, Director, Information Services  
Deborah Fasser, Director, Strategic Communications & Business Development  
Jeffrey Gordon, Director of Communications  
Karen Ehlinger, Manager, Internal Control Analysis  
Gregory Maisenbacher, Senior Internal Auditor  
Jenilee Flinton, Director, Internal Audit  
Amanda Nazario, Confidential Legal Assistant  
Lori Huelle, Executive Assistant  
Meghan Cyr, Administrative Assistant

**Outside Bond Counsel Participants - Via ZOOM**

B. Seth Bryant, Bryant Rabbino LLP  
Neil Kaplan, Hawkins Delafield Wood LLP  
Laurie Hall, Hawkins Delafield Wood LLP  
Patrick McGlashan, McGlashan Law  
Christopher J. Reitzel, Nixon Peabody  
Virginia Wong, Nixon Peabody  
Douglas Seaton, D. Seaton & Associates

**PUBLIC SESSION**

Chair Gomez welcomed the Members and Staff.

**Minutes of the January 10, 2024 Board Meeting**

Upon a motion from Mr. Carney and a second from Mr. Rodriguez, the minutes of the January 10, 2024 Regular Board Meeting were approved unanimously.

**Finance Committee Report**

Finance Committee Chair Ronski informed the Members that the Finance Committee met earlier today and after adopting the meeting minutes from the January 10, 2024 Finance Committee Meeting, the Committee Members discussed the City University System Consolidated Fifth General Resolution Revenue Bonds and the New York University Commercial Paper Program Offering, and stated that the Finance Committee unanimously recommends approval of the financings by the full Board.

**Adoption of Financing Documents New York Institute of Technology**

Mr. Ostrander stated that the Resolution to Proceed for the NYIT financing was adopted by the Board at the January 10 Board meeting. He informed the Members that since that time, the PACB approved the financing on January 24, the TEFRA Hearing was held on February 5, and the SEQR determination was completed on February 12, 2024. Mr. Ostrander stated that there are no changes to the financing as previously described to the Board and that the Members are now being asked to adopt the necessary documents for the NYIT financing. He introduced Seth Bryant of Bryant Rabbino LLP to provide the Board with an overview of the bond documents.

Mr. Bryant described the transaction and presented the financing documents. He stated that the Members are being asked to authorize the issuance of up to \$105 million of DASNY's New York Institute of Technology Revenue Bonds, Series 2024.

Mr. Bryant stated that the New York Institute of Technology has requested that DASNY issue the Series 2024 Bonds to finance or refinance the costs of various projects including interior and exterior improvements and renovations to facilities at the Institution's New York campuses. He further stated that The General Resolution, is an entirely new Resolution and the Series 2024 Bonds will be the first bonds issued thereunder. He added that the anticipated 2024 bond structure contemplates the issuance of the Series 2024 Bonds as one Series of fixed rate Tax-Exempt Bonds without credit enhancement, with a portion of the proceeds of the Series 2024 Bonds expected to be used to pay capitalized interest and costs of issuance.

Mr. Bryant stated that the maturities of the Series 2024 Bonds shall not exceed 35 years from July 1, 2024 and the proposed financing obtained PACB approval on January 24, 2024. He added that The Series 2024 Bonds are proposed to be sold to Morgan Stanley & Co. LLC, as underwriter, pursuant to a standard Bond Purchase Agreement between DASNY, the Institution and the Underwriter.

Mr. Bryant explained that the new General Resolution for the New York Institute of Technology Revenue Bonds sets forth the general terms for each Series of Bonds that may be issued pursuant to Series Resolutions adopted from time to time by DASNY. He added that under the General Resolution, Bonds will be authorized to be issued for one or more of the following purposes: (i) to finance or refinance the costs of one or more Projects of the Institution; (ii) to pay the costs associated with the issuance of Bonds including any capitalized interest; (iii) to pay or provide for the payment of outstanding Notes or Bonds issued for the benefit of the Institution; (iv) to fund any reserve required to be established in connection with a particular series of Bonds; and (v) to exchange Bonds issued under it for other DASNY bonds or for notes, bonds or other evidence of indebtedness of the Institution.

Mr. Bryant stated that the Series Resolution authorizes the issuance of up to \$105,000,000 of Series 2024 Bonds for the purpose of financing or refinancing the costs of the Project as previously described. He noted that although it is anticipated that all Series 2024 Bonds will be issued as fixed rate Bonds, the Series Resolution also provides flexibility for other rate modes. He added that The Series Resolution delegates to various officers of DASNY the power to determine or provide for customary matters related to the issuance of the Series 2024 Bonds.

Mr. Bryant stated that in connection with the issuance of the Series 2024 Bonds, DASNY and the Institution will enter into a Loan Agreement, which will obligate the Institution to make payment installments of principal and interest on the Series 2024 Bonds. He added that The Institution's obligations to make payments will be general obligations, absolute and unconditional. He noted that The Loan Agreement is expected to contain financial covenants consistent with current market trends.

Mr. Bryant reported that it is currently expected that, to secure its obligations under the Loan Agreement, the Institution will pledge certain unrestricted revenues, which include but are not limited to, tuition and fees charged to students which are the Pledged Revenues pursuant to a Security Agreement between DASNY and the Institution. He added that these Pledged Revenues are considered Collateral and will be the sole security for the Series 2024 Bonds, as there will not be any mortgage to encumber any of the Institution's campuses or other properties.

Mr. Bryant advised that concurrent with the issuance of the Series 2024 Bonds, DASNY shall pledge and assign its rights to and interest in the Loan Agreement, the Security Agreement and the Collateral securing the Series 2024 Bonds, to the Trustee as security for the payment on the Series 2024 Bonds. He noted that

the assignment shall not include DASNY's Unassigned Rights as such term is defined in the Loan Agreement.

Ms. Snyder moved adoption of the following entitled resolutions:

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK OF ITS NEW YORK INSTITUTE OF TECHNOLOGY REVENUE BONDS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; AND PROVIDING FOR THE RIGHTS OF THE HOLDERS THEREOF; and

SERIES RESOLUTION 2024-1 AUTHORIZING UP TO \$105,000,000 NEW YORK INSTITUTE OF TECHNOLOGY REVENUE BONDS

Mr. Carney seconded the motion and the Resolution was approved unanimously.

### **City University System Consolidated Fifth General Resolution - Single Approval Financing**

Mr. Bergin stated that the Members are being asked to authorize the issuance of up to \$300,000,000 of City University System Consolidated Fifth General Resolution Revenue Bonds for a term of up to 5 years.

Mr. Bergin stated that CUNY is a nonprofit, primarily nonresidential, co-educational public institution of higher learning established in 1961 by combining existing educational institutions into one University. He further stated that CUNY currently serves more than 225,000 degree seeking students each year. Mr. Bergin informed the Members that the State provides payment for 100% of the CUNY Senior College Facilities debt service and 50% of the CUNY Community College Facilities debt service, while the City supports the remaining 50% of the CUNY Community College Facilities debt service. He noted, however, that this financing is specifically for CUNY's Senior Colleges, and therefore the State will provide payment equal to the full amount of the annual debt service.

Mr. Bergin informed the Members that pursuant to the Agreement and Lease relating to the Fifth General Resolution, DASNY procures and maintains insurance on various properties throughout the City University System, as long as there are bonds outstanding under the Fifth General Resolution. He noted that DASNY is reimbursed for these costs. Mr. Bergin explained that with the Series 2005A bonds maturing on July 1, 2024, this financing will allow for a longer transition period for stakeholders to consider the future responsibility of procuring and maintaining insurance and related policy matters as the Series 2024 bonds will also be issued under the Fifth General Resolution. He stated that the expected ratings on the bonds are AA\AA.

Mr. Bergin introduced Virginia Wong, Esq., of Nixon Peabody. Ms. Wong further described the transaction and presented the financing documents. She stated that before the Members for their consideration is the adoption of DASNY's City University Series 2024A Resolution authorizing the issuance of up to \$300,000,000 City University System Consolidated Fifth General Resolution Revenue Bonds. She further stated that The Series Resolution is proposed to be adopted pursuant to DASNY's City University System Consolidated Fifth General Revenue Bond Resolution adopted January 22, 2003.

Ms. Wong explained that the authorized bonds would be issued to finance the costs related to the construction or improvement of various Senior College Facilities of CUNY and to pay costs of issuance. She further explained that The Fifth General Resolution provides for the issuance from time to time of multiple series of bonds in unlimited principal amounts and that bonds may be issued under it to finance or refinance facilities for either Senior or Community Colleges.

Ms. Wong reported that the bonds issued under the Fifth General Resolution are special obligations payable solely out of the money pledged to their payment and The Fifth General Resolution pledges to the payment of the bonds, among other things, the payments made by the City University Construction Fund, pursuant to the agreement and lease entered into by DASNY, CUCF, and CUNY, in connection with the initial issuance of bonds under the Fifth General Resolution.

Ms. Wong stated that the repayments required under the lease are secured by and are to be paid from monies paid to the Fund by the State and the City of New York pursuant to appropriations made by them each year. She added that under the enabling legislation, the State is to appropriate money for payment of 100% of the debt service on bonds issued to finance Senior College Facilities and 50% of the debt service on bonds issued to finance Community College Facilities, and the City of New York is to appropriate 50% of the debt service on bonds issued to finance Community College Facilities.

Ms. Wong stated that the Fifth General Resolution does not create a debt service reserve fund, although the Fifth General Resolution creates a building and equipment reserve fund, and it is not expected that a requirement will be established in connection with the issuance of the authorized bonds.

Douglas Seaton, Esq., of D. Seaton & Associates provided additional information about the transaction. He stated the Series Resolution authorizes the issuance of up to \$300,000,000 aggregate principal of authorized bonds delegates certain customary powers to various officers of DASNY, including executing documents and to do all things necessary or convenient in connection with the sale and issuance of the authorized bonds .

Mr. Seaton informed the Members that the Lease obligates the Fund to make payments sufficient to pay the debt service on outstanding bonds when due. He added that these Annual Payments also include the fees, costs and expenses of DASNY and the Trustee and that the Annual Payments are to be paid from money annually appropriated and paid to it by the State and the City, which is to equal the Annual Payments due in each year.

Mr. Seaton reported that the money received by the Fund from the State and the City for payment of the Annual Rentals is pledged by it to the payment of the Annual Payments adding that the obligation to pay the Annual Payments are secured by amounts on deposit in a special account held by the Comptroller of the City of New York as agent.

Mr. Seaton noted that all monies pledged to the payment of the Annual Payments are to be deposited by the Fund into the Payment Pledge Account, adding that no money in the Payment Pledge Account may be used for any other purpose unless the amount remaining in the account is sufficient to pay the Annual Payments remaining to be paid by it under the Lease during the then current year.

Mr. Seaton stated that the Authorized Bonds may be sold either in a competitive sale, through public bidding pursuant to a notice of sale, or in a negotiated sale to a syndicate of underwriters pursuant to a bond purchase agreement. He noted that to enable the underwriters to comply with the requirements of Rule 15c2-12, it is expected that a continuing disclosure agreement will be executed for the benefit of the holders of the Authorized Bonds.

Upon an inquiry from Chair Gomez, Vice President Williams advised that DASNY would provide the Board Members with an overview of Risk Management Procedures and Policies in connection with the review of insurance and ongoing insurance compliance.

Mr. Rodriguez moved adoption of the following entitled resolution:

CITY UNIVERSITY SYSTEM CONSOLIDATED FIFTH GENERAL RESOLUTION SERIES 2024  
RESOLUTION AUTHORIZING CITY UNIVERSITY SYSTEM CONSOLIDATED FIFTH GENERAL  
RESOLUTION REVENUE BONDS

Ms. Snyder seconded the motion and the Resolution was approved unanimously.

**New York University Commercial Paper Program - Single Approval Financing**

Mr. Ostrander stated that the Board is being asked to adopt the necessary documents to establish a Commercial Paper Note Program on behalf of New York University. He added that staff is requesting authorization to proceed with the issuance of multiple series of tax-exempt and/or taxable commercial paper notes, with maturities not to exceed 30 years from the date of first issuance, in an amount not to exceed \$250,000,000 at any one time. Mr. Ostrander informed the Board Members that the Note proceeds will be used to finance various capital projects as described in the Transaction Report.

Mr. Ostrander reported that it is anticipated that the University will act as its own liquidity facility provider to pay the principal and interest on the Notes when due at maturity. He stated that the Notes are expected to be assigned a short-term rating of P-1 from Moody's and A-1 from S&P, the highest rating for short-term debt.

Neil Kaplan, Esq., Laurie Hall, Esq. from Hawkins Delafield & Wood LLP, and Patrick McGlashan, Esq. of McGlashan Law further described the transaction and presented the financing documents.

Mr. Kaplan stated that before the Members for their consideration is the adoption of a Resolution establishing a Commercial Paper Program for the benefit of New York University and authorizing the issuance by DASNY of one or more series of notes for such purpose. He added that the Resolution authorizes DASNY to issue notes from time to time to finance or refinance Capital Projects for the University, to repay notes currently outstanding, or that will be outstanding, and also to fund costs of issuance, provided that the aggregate principal amount of notes that may be outstanding at any one time will not exceed \$250,000,000.

Mr. Kaplan stated that the final maturity date of all notes issued under this Resolution will not be later than the 30th anniversary of the first date of issuance under this Resolution. He noted that interest on notes issued under the program may be excluded from gross income for Federal Income Taxes, providing some flexibility to the University.

Mr. Kaplan noted that the proceeds of the notes are to be loaned to the University pursuant to a loan agreement between DASNY and the University which together with the payments to be made by the University are general obligations of the University. He added that The University is obligated to pay interest on the notes and maturing principle of notes that are not rolled over when due.

Mr. Kaplan advised that the initial projects that may be financed with proceeds of the notes are described in the Loan Agreement, but in addition to the initial projects set out in the Loan Agreement, other capital projects may be financed with proceeds of the notes issued under the program by amending the Loan Agreement to include such additional note projects. He added that if the funding of the additional projects qualify as a Type II Action under SEQRA, or if the financing of such projects has already been approved by the DASNY Board under its other Resolutions authorizing the issuance of bonds for NYU, then the project description in the loan agreement may be amended without further action by the DASNY Board. Otherwise, the Loan Agreement project description may only be amended if authorized by a supplemental resolution adopted by the DASNY Board, authorizing the issuance of notes for such additional projects.

Mr. Kaplan stated that upon the initial issuance of notes under the General Resolution, DASNY will assign its rights under the Loan Agreement to the Trustee, except for certain reserved rights pertaining primarily to the University's covenant to preserve the validity and tax-exempt status of the notes, indemnification of the authority and the rights of DASNY for ongoing fees.

Mr. McGlashan stated that the General Resolution is an agreement between DASNY and the holders of the notes and the General Resolution sets forth the general terms of the notes and conditions for the issuance of initial notes, and each subsequent issuance of notes. He added that after the initial issuance of notes under the Resolution, additional notes may be issued without further action of the Members pursuant to a note series certificate that is executed and delivered by an authorized officer of DASNY, provided that the amount of notes to be outstanding under the Resolution will not exceed \$250,000,000 and that such notes may be issued to finance the cost of additional capital projects, to refund or rollover outstanding notes, or to pay the cost of issuance of such notes.

Mr. McGlashan stated that the General Resolution sets forth provisions for its amendment and the General Resolution may be amended to increase the maximum amount of notes that may be outstanding at any one time by the adoption by the Members of one or more supplemental resolutions without the consent of the holders of the outstanding notes.

Mr. McGlashan stated that the General Resolution also provides for the appointment of a trustee and an issuing and paying agent. He stated that the Trustee will perform the typical functions performed by a trustee under other DASNY conduit financings, such as establishing funds and accounts for the benefit of noteholders and administering remedies in the event of a default. He added that the issuing and paying agent will enter into an issuing and paying agency agreement with the University and DASNY, which will provide for the mechanics of the sale, issuance, and payments of the initial notes and additional notes to be issued under the Resolution from time to time.

Mr. McGlashan noted that the General Resolution authorizes various officers of DASNY to execute and deliver, in addition to the loan agreement and the issuing and paying agency agreement, an assignment agreement, one or more dealer agreements with dealers to facilitate the sale of the notes and such other documents as shall be necessary or convenient for the sale from time to time with the notes.

Mr. Carney moved adoption of the following entitled resolution:

**NEW YORK UNIVERSITY COMMERCIAL PAPER PROGRAM RESOLUTION**

Mr. Rodriguez seconded the motion and the Resolution was approved unanimously.

**Report of the Vice President**

Vice President Williams informed the Members that Governor Hochul issued her Executive Budget January 16, 2024, and that included in her proposal was an initiative to expand DASNY's ability to provide services to municipalities under specific funding programs such as the Environmental Bond Act. He added that DASNY currently provides a number of environmental services including SEQRA and energy performance work and audits. Mr. Williams expressed that he is excited for the opportunity to serve municipalities and generate new lines of business.

Vice President Williams stated that the Governor's Budget includes the NYSWIMS program, a \$400 million proposal that provides significant funding to the New York State Office of Parks, Recreation and Historic Preservation for existing swimming facilities and \$150 million for a competitive grant program that will provide innovative swimming solutions, temporary swimming solutions during high heat days,

and also regular swimming pools for municipalities. He noted that DASNY would manage the competitive award process with Parks.

Mr. Williams stated that robust employee engagement efforts continue with the support of the Board. He noted that the Bi-Annual meeting for employees in Albany was held in January and that the New York City event will be rescheduled after last night's weather-related cancelation. He informed the Members that the Meeting for the Western New York employees is scheduled for April 10, 2024. He added that the intent is to hold these gatherings twice per year to get all staff together, create synergies across the operating units and build collegiality.

Vice President Williams reported that on January 18, nearly 30 DASNY employees joined together to volunteer in person at the Regional Food Bank of Northeastern New York. Positive feedback from staff was received and more service events will be planned.

Vice President Williams stated that February is Black History Month, and DASNY has a number of events planned in commemoration. In keeping with the 2024 theme, "African Americans and the Arts", DASNY will host a lunch and learn with local artist Jade Warwick, whose murals appear on buildings close to our Albany Headquarters. He stated that we will host an additional lunch and learn on February 29<sup>th</sup> with historians who have established an Underground Railroad museum here in Albany.

Vice President Williams announced the retirement of Karen Ehlinger, DASNY's Internal Controls Officer and Manager of Internal Control Analysis. He commended Ms. Ehlinger on her 20-plus years of service and her great work here at DASNY. Vice President Williams stated that Mr. Gregory Maisenbacher, currently a Senior Internal Auditor in DASNY's Internal Audit Department will be assuming Karen's role and comes highly recommended. The Board Members provided a round of applause in recognition of Ms. Ehlinger and wished her well in retirement.

Vice President Williams asked Ms. Fontaine to explain the two PLAs that are before the Board for consideration. Ms. Fontaine stated that the Board is being asked to adopt a Resolution authorizing the execution of a new MOU between DASNY and the Building and Construction Trades Council of Buffalo, New York in connection with the Western New York Children's Psychiatric Center, including the requirement of compliance with the PLA with the specific project.

Ms. Fontaine explained that the project will include improvements at the Psychiatric Center in West Seneca. She stated that the requirements of DASNY's policy regarding the utilization of PLAs, previously adopted by the Board in January 2012, have been satisfied. Consistent with that policy, a PLA impact feasibility study was conducted and the analysis confirmed that having a PLA on the project would result in the lowest reasonable cost because of the size, complexity, and duration of the project. As such, OMH has consented to utilizing a PLA for the project.

Mr. Carney moved adoption of the following entitled resolution:

A RESOLUTION AUTHORIZING THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY) TO INCLUDE COMPLIANCE WITH A PROJECT LABOR AGREEMENT AS A REQUIREMENT IN THE PROJECT BIDDING DOCUMENTS IN CONNECTION WITH THE WESTERN NEW YORK CHILDREN'S PSYCHIATRIC CENTER

Ms. Snyder seconded the motion and the Resolution was approved unanimously.

Ms. Fontaine stated that the Members are also being asked to approve a second PLA and MOU between DASNY and the Building and Construction Trades Council of Greater New York and Vicinity. She further stated that this is a New York City-wide PLA. She explained that DASNY previously had two PLA



agreements with the BCTC in New York City for construction rehabilitation projects, and would now like to move forward with one unified PLA.

Ms. Fontaine informed the Members that the previous MOU expired on December 31, 2023 and was subsequently extended. Pursuant to the new MOU, DASNY is required to use a single model PLA for new construction and rehabilitation projects for any DASNY construction project for a State or other governmental entity conducted in the City of New York where the value of the project exceeds \$3,000,000; the DASNY client has approved the use of the Model PLA for the project; and DASNY has obtained an analysis demonstrating that the inclusion of the project's bid specifications of a requirement to adhere to the terms of the Model PLA will result in the lowest reasonable cost for the project.

Ms. Fontaine stated that the new MOU will expire on December 31, 2028. Construction projects subject to the new MOU must exceed \$3,000,000 in value, except that a construction project consisting solely of asbestos abatement, insulation or painting will continue to be subject to the existing \$500,000 threshold. Ms. Fontaine stated that discretionary contracts and emergency contracts remain exempt from the work that must be done pursuant to a Model PLA, and projects for CUNY set aside campuses (Medgar Evers College, Brooklyn College, York College, and Baruch College) are also exempt. She noted that MWBE or SDVOB subcontractors performing work valued at \$3,000,000 or less pursuant to a mentor protégé program are exempt as well.

Ms. Fontaine stated that DASNY has obtained a PLA Impact Analysis/Feasibility Analysis demonstrating that the inclusion in the bid specifications of a requirement to adhere to the terms of a PLA in the contract or contracts for projects in the City of New York would result in the lowest reasonable cost for such projects. She informed the Members that the New MOU and Model PLA are reflective of the Governor's policy of reducing the cost of government, as PLA projects will lower the cost of construction while also promoting the Governor's policy of increasing opportunity for MWBE and SDVOB firms in State contracting.

Upon an inquiry from Mr. Rodriguez, Ms. Fontaine stated that the most significant change to this new PLA is the fact that there is now only one PLA opposed to the two previous separate PLA's that were in place previously. Mr. Curro added that the New Agreement is for a 5 year term, while the prior agreements were for a 4 year period.

Ms. Snyder moved adoption of the following entitled Resolution:

A RESOLUTION AUTHORIZING THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY) TO INCLUDE COMPLIANCE WITH A PROJECT LABOR AGREEMENT AS A REQUIREMENT IN PROJECT BIDDING DOCUMENTS FOR CERTAIN CONSTRUCTION PROJECTS LOCATED IN THE CITY OF NEW YORK

Ms. Sullivan seconded the motion and the Resolution was approved unanimously.

### **Public Finance Report**

Ms. Lee informed the Members that Bonds to be issued pursuant to the PIT/ Sales Tax Transaction that was approved by the Board last month will be issued under the PIT program.

Ms. Lee provided a brief Market Update. She stated that the total long-term new issue supply for the first month of 2024 was \$27.9 billion, up about 16% from last year at the same point in time. She added that following an active start to the year, this week's supply is expected to be below weekly averages at about

\$4.2 billion, and that tax-exempt and taxable bond yields moved higher on Tuesday as the market reacted to the release of the January CPI data.

Ms. Lee reported that both the 10-year and 30-year AAA MMD increased 5 basis points to 2.48% and 3.62% respectively, and the U.S. Government bond yields were also higher with the 10-year treasury yield increasing by 14 basis points to 4.31% and the 30-year treasury yield increasing by 9 basis points to 4.46%. She informed the Members that after four 4 weeks of inflows, municipal bond funds reported outflows for the week ending February 9.

Ms. Lee stated that since the January 10<sup>th</sup> Board Meeting, the one-year MMD has increased by 21 basis points, the 10-year MMD has increased by 20 basis points, and the 30-year MMD has increased by 17 basis points. During that same time period, the 10-year Treasury yield has increased by 29 basis point, and the 30-year Treasury yield has increased by 28 basis points.

Ms. Lee informed the Members that she would like the Members to consider the possibility of amending the financing approval process so that more entities are eligible for one step Board approvals. She reminded the Members that the financing guidelines have been amended over the years from both a security perspective and from a process perspective. She emphasized that they are not being asked to opine on the matter now; but that she wanted to provide some background information so that discussions regarding possible changes can begin.

Ms. Lee explained that in prior years, DASNY's security guidelines varied depending upon factors such as sector and rating level, and DASNY specified the different types of security features required. More recently, DASNY moved to a market-based approach, which has been very effective and well received by DASNY's clients.

Ms. Lee stated that changes have also been made to the financing approval process over the years. She explained that certain clients are eligible for a one-step financing approval: State-supported debt, school districts, refinancing or refunding of debt on behalf of clients that are in the DASNY portfolio, and higher education and healthcare clients rated at the A level or better.

Ms. Lee informed the Members that clients who are not currently eligible for one-step financing approval include higher education and healthcare clients rated in the BBB category, private placements, and "programmatic financings" such as BOCES, Libraries, Interagency Council, NYSARC, and other programs that have the benefit of an intercept provision.

Ms. Lee stated she would like to explore the possibility of transitioning to a one-step approval process for all DASNY financings. She explained that the change would be received positively by clients and bankers. She noted that depending upon the timing of DASNY Board and PACB meetings, some clients may still choose a two-step process in order to get to market more quickly or for other considerations.

The Members discussed the proposed changes and possible options including consideration of new clients. The Members also asked about financings in the past which benefited from discussion at more than one meeting. Ms. Lee stated that she would provide the Members with additional information and a blacklined version of the Guidelines with the proposed changes for further discussion or action in the future.

### **Financial Report**

Ms. Ellis delivered the Financial Report. She stated that DASNY received \$900,000 in financing fees through December. She stated that the percentage of direct hours charged to public clients dropped slightly from last month to 95.7%, but remains slightly over the budgeted amount of 94.6%. Ms. Ellis reported that

personnel expenses continue to be under projection, primarily due to retirements and slower than expected recruitments. Non-personnel expenses are also slightly under projection and are primarily related to lower expenses for computer services and equipment, utilities, and corporate insurance, offset by increases for non-capital equipment and professional services.

Ms. Ellis updated the Members on the 2024-2025 Budget. She stated that Mr. Arnold and his staff will provide the Members with an update to the Budget at the March 13, 2024 Meeting, after which the Members will be asked to review and approve the proposed 2024-25 Operating Budget and Financial Plan.

Ms. Ellis reported that DASNY's implementation partner, HSO, is completing the workshops for the Analysis Phase of the JDE Replacement project. She stated that the schedule has been delayed by approximately two weeks. Ms. Ellis further stated that DASNY is currently reviewing the Solution Blueprint Document provided by HSO and expects to sign off on the final document in the coming days. Once the Blueprint Document is finalized, the project will move into the Design & Build Phase for Business Release 1, Budget Planning. She noted that this could occur as early as next week when the system will be configured in accordance with the Blueprint Document.

Ms. Ellis noted for the Members that during the Analysis Phase, HSO configured portions of the system as a proof of concept for DASNY, and many of those configurations will be used to populate the system and result in time savings. Ms. Ellis added that once the Solution Blueprint Document is finalized and decisions have been made regarding the identified gaps, HSO will provide a determination as to whether the anticipated go-live date of April 1, 2025 remains on track.

Ms. Ellis stated that the annual audit for fiscal year 2024 is underway and KPMG has begun interim testing on activity through December 2023. She noted that this is the final year of DASNY's contract with KPMG, and a new procurement will be undertaken in the late Summer or early Fall.

### **Construction Projects Report**

Mr. Curro delivered the Construction Report. He stated that 9 new projects totaling nearly \$100 million were added last month, including 7 CUNY projects, one for OMH and one for SUNY.

Mr. Curro stated that 5 projects totaling approximately \$150 million have been completed during the reporting period, including the new, \$92 million Lehman College School of Nursing, as well as the \$23 million MacKenzie Hall Phase 3 project at SUNY Alfred.

Mr. Curro stated that expenditures for the period ending December 2022 were \$458 million, compared to \$566 million for the period ending December 2023, representing a gain of \$108 million.

Mr. Curro directed the Members' attention to the picture on the cover of the Construction Report and stated that it depicts a component of the Buffalo Psychiatric Center project. He explained that the \$850,000 project completed in December 2023 and included building renovation and window and siding replacement.

Mr. Curro provided an update on several SUNY Projects. He stated that according to the latest schedule update for FIT, the May 2024 substantial completion date remains in place. Mr. Curro reported that work continues on finishes and MEP work. Mr. Curro informed the Members that DASNY is using all contractual remedies available to push the project to completion so that it may be operational by the fall 2024 semester. He noted that he visits the project on a weekly basis.

Mr. Curro reported that the UAlbany Colonial Quad project continues to progress with the dual low-rise residence hall renovations as well as the fitness center between the 2 low-rises. DASNY expects a May 2024 completion date for that project. He stated that the Mohonk residence hall renovation project at SUNY

New Paltz gets underway this month. Mr. Curro explained that the project is a \$49 million full gut renovation, the addition of a new floor and a new roofing configuration to the existing residence hall. The target completion date is July 2025.

Mr. Curro updated the Members on the CUNY program. He stated that DASNY will meet with them next Thursday to continue discussions about process improvements. Mr. Curro reported that robust portfolios continue at Queens College, Hunter College, York College, College of Staten Island, NYC College of Technology, and City College and others.

Mr. Curro stated that a third round of questions has been received from OSC regarding the contract for the DOH Life Sciences Lab Consolidation. DASNY is meeting with OSC this Friday to discuss their questions. He stated that DASNY is optimistic that a contract will be in place by the end of February.

Mr. Curro informed the Members that there is a large backlog of projects associated with OMH and OPWDD at the following campuses: Western New York Children's PC, St. Lawrence PC, Mid-Hudson Forensic PC, Capital District PC, Rochester PC, Central New York PC, Rockland PC, South Beach PC, Kingsborough PC, Pilgrim PC and Mohawk Valley PC. He stated that early bid package number one was recently opened for the Mid-Hudson \$300 million new build. Mr. Curro reported that favorable bids on the site preparation package were received, and the main construction package will be bid later this quarter.

Mr. Curro advised that DASNY has shortlisted 3 teams for the Capital District Psychiatric Center parking garage demolition and new-build and is working to select a design build team for that project.

Mr. Curro updated the Members on recruitment efforts. He stated that there are currently over 30 open positions in the Construction Division. Mr. Curro further stated that DASNY recently posted for mechanical and electrical engineers directly from college and received several resumes from that recruitment. He indicated that this might be a path to pursue so that DASNY can train new graduates, work with them to become licensed and then promote them into the Engineer roles.

Mr. Curro stated that in addition to the PLAs brought before the Board today, DASNY is working on several more that he predicts will come before the Board within the next few months, including one for the Rochester Psychiatric Center and one for the Capital District Psychiatric Center.

Mr. Curro reported that DASNY is still migrating projects from contract manager into PMWeb and that there are approximately 1,200 active projects on the system at this time.

Mr. Curro stated that DASNY presented at the ACEC Winter Conference and the SUNY PP/AA Conference. He added that DASNY will be attending the SUNY Residence Life Conference later in February and then will be in front of the Society for Marketing Professional Services on May 22, 2024.

### **EXECUTIVE SESSION**

Ms. Snyder moved that the Members go into executive session to discuss the financial and credit history of a particular corporation, matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation and proposed, pending or current litigation.

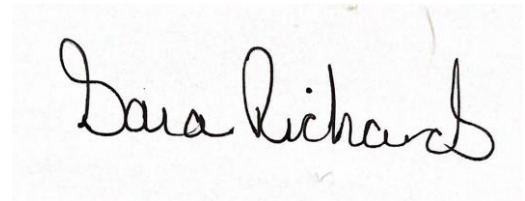
Mr. Ronski seconded the motion and the Members went into Executive Session.

**PUBLIC SESSION**

While in Executive Session, no decisions were made other than that to return to Public Session.

Mr. Ronski moved that the meeting adjourn. Upon a second by Ms. McKinnie, the meeting was adjourned at 11:19 a.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Sara Richards". The signature is written in a cursive style with a large initial 'S' and 'R'.

Sara Richards  
Assistant Secretary