

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Tuesday, March 24, 2020

7:15 PM

**William J. Conboy II Legislative Chambers
Albany County Courthouse**

County Legislature

Call to Order

Roll Call

CURRENT BUSINESS:

128. APPROVING AMENDMENTS TO THE 2020-2024 CAPITAL PROGRAM

Sponsors: Joyce and Feeney

129. SUPPLEMENTAL BOND RESOLUTION DATED MARCH 24, 2020: A RESOLUTION AMENDING CERTAIN TERMS OF BOND RESOLUTION NO. 153 OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE UNDERTAKING WITH THE COUNTY OF SARATOGA, NEW YORK, OF A REGIONAL ANAEROBIC DIGESTER PROJECT TO BE LOCATED AT THE ALBANY COUNTY WATER PURIFICATION DISTRICT NORTH PLANT WITH RELATED IMPROVEMENTS AT THE SOUTH PLANT

Sponsors: Joyce and Feeney

130. BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS FOR COUNTY OWNED GARAGES AND PARKING FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION

Sponsors: Joyce and Feeney

131. AMENDING THE 2020 SHERIFF'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

Sponsors: Joyce and Feeney

132. AMENDING THE 2020 SHERIFF'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

Sponsors: Joyce and Feeney

133. AUTHORIZING AN AGREEMENT WITH INTERNATIONAL DIOXIDE, INC. REGARDING ODOR CONTROL MEASURES FOR THE WATER PURIFICATION DISTRICT

Sponsors: Joyce and Feeney

134. AUTHORIZING AN AGREEMENT WITH POLYDYNE, INC. REGARDING LIQUID MANNICH POLYMER FOR THE WATER PURIFICATION DISTRICT

Sponsors: Joyce and Feeney

135. FINALIZING THE ACCOUNTING OF THE 2019 ALBANY COUNTY BUDGET

Sponsors: Joyce and Feeney

136. REQUESTING THE NYS LEGISLATURE TO ENACT ASSEMBLY BILL NO. 10048/SENATE BILL NO. 7990 TO CONTINUE THE 6% HOTEL/MOTEL OCCUPANCY TAX IN ALBANY COUNTY

Sponsors: Joyce and Feeney

137. REQUESTING THE NYS LEGISLATURE TO ENACT ASSEMBLY BILL NO. 10155/SENATE BILL NO. 8069 TO CONTINUE A MORTGAGE RECORDING TAX IN ALBANY COUNTY

Sponsors: Joyce and Feeney

138. REQUESTING THE NYS LEGISLATURE TO ENACT AN AMENDMENT TO THE TAX LAW TO AUTHORIZE ALBANY COUNTY TO CONTINUE THE 1% SALES AND USE TAXES

Sponsors: Joyce and Feeney

139. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "A" FOR 2020

Sponsors: Joyce

140. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020

Sponsors: Joyce

141. REFINANCING BOND FOR THE COUNTY OF ALBANY

Sponsors: Joyce and Feeney

Adjournment

RESOLUTION NO. 128

APPROVING AMENDMENTS TO THE 2020-2024 CAPITAL PROGRAM

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, By Resolution No. 337 for 2019, this Honorable Body adopted the Albany County Capital Program for 2020-2024, and

WHEREAS, Amendments to the 2020-2024 Capital Program are necessary to address updates to the Regional Anaerobic Digester Facility, indicating that the facility will be located at the Albany County Water Purification District North Plant, with related improvements at the South Plant, totaling \$28 million that will be funded in 2020-2024, as well as upgrades and improvements to the County-owned parking facilities, all of which will be bonded, and

WHEREAS, Pursuant to Section 609 of the Albany County Charter, the Albany County Legislature published a summary of the amended Capital Program for the County and held the required public hearing as published, now, therefore be it

RESOLVED, By the Albany County Legislature that the amendments to the Capital Program for 2020-2024 as set forth above are hereby adopted, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 129

SUPPLEMENTAL BOND RESOLUTION DATED MARCH 24, 2020: A RESOLUTION AMENDING CERTAIN TERMS OF BOND RESOLUTION NO. 153 OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE UNDERTAKING WITH THE COUNTY OF SARATOGA, NEW YORK, OF A REGIONAL ANAEROBIC DIGESTER PROJECT TO BE LOCATED AT THE ALBANY COUNTY WATER PURIFICATION DISTRICT NORTH PLANT WITH RELATED IMPROVEMENTS AT THE SOUTH PLANT

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, on April 8, 2019, the County Legislature of the County of Albany, New York adopted Bond Resolution No. 153 of 2019 entitled:

BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE UNDERTAKING WITH THE COUNTY OF SARATOGA OF A REGIONAL ANAEROBIC DIGESTER PROJECT TO BE LOCATED AT THE ALBANY COUNTY WATER PURIFICATION DISTRICT NORTH PLANT WITH RELATED IMPROVEMENTS AT THE SOUTH PLANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$48,500,000, APPROPRIATING AN AMOUNT EQUAL TO \$24,250,000 THEREFOR, REPRESENTING THE PORTION OF SAID COST TO BE PAID BY THE COUNTY OF ALBANY, AND AUTHORIZING THE ISSUANCE OF \$23,839,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE A PORTION OF THE ALBANY COUNTY APPROPRIATION

(the "Bond Resolution"); and

WHEREAS, on the date the County Legislature adopted the Bond Resolution the maximum estimated cost of the undertaking of the project described in Section 1 of the Bond Resolution (the "Project") was estimated to equal an amount not to exceed \$48,500,000 with the plan of finance providing for the County and the County of Saratoga, New York to each pay fifty percent (50%) of said estimated maximum cost of \$48,500,000, or \$24,250,000 each; and

WHEREAS, since the date of the Bond Resolution, the County Legislature has received additional information and revised cost estimates which indicate that the maximum estimated cost of the Project will be equal to an amount not to exceed \$56,000,000 with the plan of finance providing for the County and the County of Saratoga, New York to each pay fifty percent (50%) of said estimated maximum cost of \$56,000,000, or \$28,000,000 each; and

WHEREAS, Section 32.00 of the New York Local Finance Law requires, among other things, that any bond resolution adopted by the finance board of a municipality contain a statement of the maximum estimated cost of the object or purpose for which obligations are being authorized and the maximum amount of the bonds authorized to be issued for such purpose; and

WHEREAS, the County Legislature desires to amend the Bond Resolution for the purpose of increasing the maximum estimated cost of the Project, and, in particular, Section 1 of the Bond Resolution, and the maximum principal amount of bonds authorized to be issued in the Bond Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the County Legislature of the County of Albany, New York, as follows:

SECTION 1. The Bond Resolution is hereby amended as follows:

(A) Section 1 of the Bond Resolution is amended to read as follows:

The County of Albany, New York (the "County") is hereby authorized to undertake, with the County of Saratoga, New York, a Regional Anaerobic Digester Project to be located at the Albany County Water Purification District North Plant with related improvements at the South Plant. The project consists of the design, construction, installation, and operation of a regional anaerobic digester to energy facility at the Albany County Water Purification District North Plant with related improvements at the South Plant, together with any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes and the preparation of planning, engineering and feasibility studies and review, as further described in the 2020 Capital Plan in the County's 2020-2024 Capital Program, as amended and supplemented (hereinafter referred to as the "Capital Program"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof (including costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$56,000,000. The plan of finance provides for the County and the County of Saratoga, New York to each pay fifty percent (50%) of said estimated maximum cost of \$56,000,000, or \$28,000,000 each. The County portion of said estimated maximum cost, or \$28,000,000, is hereby appropriated therefor. The plan of financing for the County portion includes the issuance of an amount not to exceed \$27,000,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the County portion of the costs of the capital project, but in no event in excess of \$27,000,000. The balance of the costs of the capital project in the amount of \$1,000,000 will be paid from appropriations from the County's General Fund.

The period of probable usefulness of the specific object or purpose herein authorized and for which said serial bonds are herein authorized to be issued, within the limitations of Section 11.00(a)(4) of the New York Local Finance Law (the "Law"), is forty (40) years.

(B) Section 2 of the Bond Resolution is hereby amended to read as follows:

Serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in the aggregate principal amount not to exceed \$27,000,000 to finance said appropriation are hereby authorized to be issued pursuant to the provisions of the Law.

SECTION 2. By separate resolution, the County has complied with the provisions of the State Environmental Quality Review Act ("SEQRA") with respect to the capital project described in this resolution by issuing a negative declaration determining that the capital project described in this resolution will not have a significant effect on the environment.

SECTION 3. The Bond Resolution adopted by the County Legislature on April 8, 2019, as amended by this Supplemental Bond Resolution, shall otherwise remain in full force and effect in accordance with its terms, and is hereby ratified and confirmed.

SECTION 4. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) such obligations are authorized for an object or purpose for which said County is not authorized to expend money or
- (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (2) said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 5. This resolution shall take effect immediately.

RESOLUTION NO. 130

BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS FOR COUNTY OWNED GARAGES AND PARKING FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney

THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The County of Albany, New York (the "County") is hereby authorized to undertake various County parking facility improvement projects located in Albany County, New York. The improvement projects consist of various upgrades and renovations for various County owned garages and parking facilities, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2020 Capital Plan in the County's 2020-2024 Capital Program, as amended and supplemented (hereinafter referred to as the "Capital Program"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof (including costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$1,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$1,500,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of \$1,500,000 to pay the cost of the capital projects.

The period of probable usefulness of the class of objects or purposes herein authorized and for which \$1,500,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00(a)(35) of the New York Local Finance Law (the "Law") is five (5) years.

Section 2. Serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in the aggregate principal amount not to exceed \$1,500,000 to finance said appropriations are hereby authorized to be issued pursuant to the provisions of the Law.

Section 3. The following additional matters are hereby determined and stated:

(a) The facilities described in Section 1 above are class "A" buildings, as defined in Section 11.00(a)(11)(a) of the Law.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the serial bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 of the Law.

(c) The proposed maturity of a portion of the bonds authorized by this resolution will exceed five (5) years.

Section 4. The serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Law, the powers and duties of the County Legislature pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The County Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 7. The County Comptroller is further authorized to enter into a continuing disclosure undertaking with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such

purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 8. Pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to proceed with the above referenced projects. Based upon an examination of the project and a memorandum from the Albany County Department of Economic Development, Conservation and Planning, the County hereby makes the following determination: The projects authorized by this resolution constitute a "Type II action" pursuant to 6 NYCRR 617.5(c)(1) and (2); and therefore, pursuant to 6 NYCRR 617.6(a)(1)(i), the County has no further responsibilities under SEQRA with respect to those projects.

Section 9. The County may initially use funds from the General Fund or such other funds that may be available to pay the cost of the specific objects or purposes authorized by this resolution, pursuant to Section 165.10 of the Law. The County then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by Sections 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 10. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) (1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(b) such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 11. This bond resolution shall take effect immediately and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the newspaper(s) designated as the official newspaper(s) of the County for such publication.

RESOLUTION NO. 131

AMENDING THE 2020 SHERIFF'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, The Albany County Sheriff has requested authorization to create seven additional Special Projects Coordinator positions in the 2020 Sheriff's Office Budget by reallocating funds for five vacant Corrections Officer positions, and

WHEREAS, The Sheriff has indicated that the new positions are necessary to expand upon programming, provide wrap-around services, and further reduce recidivism, and

WHEREAS, The Sheriff has requested a budget-neutral amendment to the 2020 Sheriff's Office Budget to appropriate funds for the new positions, now, therefore be it

RESOLVED, By the Albany County Legislature that the 2020 Sheriff's Office Budget is amended as follows:

Decrease Appropriation Account A3150.1 by \$250,572 by decreasing and deleting the following line items:

Decrease Line Item A3150 1 4115 084 Corrections Officer by \$44,000

Decrease Line Item A3150 1 4115 131 Corrections Officer by \$44,000

Decrease Line Item A3150 1 4115 144 Corrections Officer by \$64,095

Decrease Line Item A3150 1 4115 198 Corrections Officer by \$50,734

Decrease Line Item A3150 1 4115 228 Corrections Officer by \$47,743

Increase Appropriation Account A3150.1 by \$250,572 by creating and increasing the following line items:

Create and Increase Line Item A3150 1 2267 004 Special Projects Coordinator by \$35,796 with an annual salary of \$47,430

Create and Increase Line Item A3150 1 2267 005 Special Projects Coordinator by \$35,796 with an annual salary of \$47,430

Create and Increase Line Item A3150 1 2267 006 Special Projects Coordinator by \$35,796 with an annual salary of \$47,430

Create and Increase Line Item A3150 1 2267 007 Special Projects Coordinator by \$35,796 with an annual salary of \$47,430

Create and Increase Line Item A3150 1 2267 008 Special Projects Coordinator by \$35,796 with an annual salary of \$47,430

Create and Increase Line Item A3150 1 2267 009 Special Projects Coordinator
by \$35,796 with an annual salary of \$47,430
Create and Increase Line Item A3150 1 2267 010 Special Projects Coordinator
by \$35,796 with an annual salary of \$47,430

and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 132

AMENDING THE 2020 SHERIFF'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, The Albany County Sheriff has requested to amend the 2020 Sheriff's Office Budget to create two additional Sheriff's Investigator positions by eliminating and reallocating funds for two vacant Corrections Officer positions, and

WHEREAS, The Sheriff has indicated that the new positions are required to work in the Bias Crime Detail Unit, now, therefore be it

RESOLVED, By the Albany County Legislature that the 2019 Sheriff's Office Budget is amended as follows:

Decrease Appropriation Account A3150.1 by \$105,155 by decreasing and deleting the following line items:

Decrease Line Item A3150 1 4115 062 Corrections Officer by \$50,376

Decrease Line Item A3150 1 4115 282 Corrections Officer by \$54,779

Increase Appropriation Account A3110.1 by \$105,155 by creating and increasing the following line items:

Create and Increase Line Item A3110 1 4132 013 Sheriff's Investigator by \$54,779 with an annual salary of \$74,454

Create and Increase Line Item A3110 1 4132 014 Sheriff's Investigator by \$50,376 with an annual salary of \$74,454

and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 133

**AUTHORIZING AN AGREEMENT WITH INTERNATIONAL DIOXIDE, INC.
REGARDING ODOR CONTROL MEASURES FOR THE WATER
PURIFICATION DISTRICT**

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, As part of the operation of the wastewater treatment plants, the Water Purification District requires the use of hydrogen sulfide/odor control oxidant for proper water treatment, and

WHEREAS, The Director of the Water Purification District has requested authorization to enter into an agreement with International Dioxide, Inc. regarding the supply of hydrogen sulfide/odor control oxidant necessary for the operations at the wastewater treatment facilities in an amount not to exceed \$160,000 for the term commencing March 1, 2020 and ending February 28, 2021, and

WHEREAS, The Director has indicated that International Dioxide will collect a fee of \$0.95 per pound of hydrogen sulfide/odor control oxidant used by the Water Purification District, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with International Dioxide, Inc., North Kingstown, RI 02852 regarding the supply of hydrogen sulfide/odor control oxidant to the wastewater treatment plants in an amount not to exceed \$160,000 for a term commencing March 1, 2020 and ending February 28, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 134

AUTHORIZING AN AGREEMENT WITH POLYDYNE, INC. REGARDING LIQUID MANNICH POLYMER FOR THE WATER PURIFICATION DISTRICT

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, By Resolution No. 375 for 2017 this Honorable Body authorized an agreement with Polydyne, Inc. regarding the provision of delivered liquid mannich polymer for the Albany County Water Purification District, and

WHEREAS, The Executive Director of the Water Purification District has requested authorization to exercise an optional one-year extension of the agreement with Polydyne, Inc. regarding the provision of delivered liquid mannich polymer in an amount not to exceed \$200,000 for a term commencing January 1, 2020 and ending December 31, 2020, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a one-year agreement with Polydyne, Inc., Riceboro, Georgia 31323 regarding the provision of delivered liquid mannich polymer for the Albany County Water Purification District in an amount not to exceed \$200,000 for a term commencing January 1, 2020 and ending December 31, 2020, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 135

FINALIZING THE ACCOUNTING OF THE 2019 ALBANY COUNTY BUDGET

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, The Albany County Comptroller's Office has informed the Albany County Legislature that certain budget amendments are necessary to finalize the accounting of the 2019 Albany County Budget, and

WHEREAS, The Comptroller has filed with the Clerk of the Legislature a list of adjustments to the 2019 Budget to provide for sufficient appropriations to accommodate 2019 expenditures and encumbrances, now, therefore be it

RESOLVED, By the Albany County Legislature that the 2019 Albany County Budget is amended and finalized as indicated in the detailed accounting annexed hereto, and, be it further

RESOLVED, That the Clerk of the Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT			ACCOUNT DESCRIPTION	INCREASE	DECREASE
GENERAL FUND					
A	1010	89010	State Retirement		5,990
A	1165	89010	State Retirement		59,204
A	1171	89010	State Retirement	3,942	
A	1230	89010	State Retirement	14,983	
A	1310	89010	State Retirement	13,818	
A	1315	89010	State Retirement	19,335	
A	1340	89010	State Retirement		561
A	1345	89010	State Retirement		2,908
A	1411	89010	State Retirement	1,964	
A	1432	89010	State Retirement	15,438	
A	1640	89010	State Retirement	3,226	
A	1680	89010	State Retirement	30,590	
A	3020	89010	State Retirement	52,847	
A	3110	89010	State Retirement	367,261	
A	3150	89010	State Retirement	93,027	
A	7410	89010	State Retirement	36,612	
A	1340	89030	Social Security	112	
A	1355	89030	Social Security		2,073
A	3020	89030	Social Security	1,557	
A	4610	89030	Social Security	410	
A	7310	89030	Social Security		52
A	7410	89030	Social Security		4,600
A	1165	89060	Hospital and Medical Insurance	59,204	
A	1171	89060	Hospital and Medical Insurance	18,231	
A	1173	89060	Hospital and Medical Insurance	15,900	
A	1185	89060	Hospital and Medical Insurance	6,690	
A	1230	89060	Hospital and Medical Insurance	1,709	
A	1310	89060	Hospital and Medical Insurance	52,138	
A	1315	89060	Hospital and Medical Insurance	8,124	
A	1345	89060	Hospital and Medical Insurance	22,165	
A	1411	89060	Hospital and Medical Insurance	40,912	
A	1420	89060	Hospital and Medical Insurance	52,115	
A	1440	89060	Hospital and Medical Insurance		846
A	1450	89060	Hospital and Medical Insurance	5,374	
A	1610	89060	Hospital and Medical Insurance	12,205	
A	1620	89060	Hospital and Medical Insurance		298,900
A	4010	89060	Hospital and Medical Insurance	9,608	
A	4310	89060	Hospital and Medical Insurance	102,542	
A	6010	89060	Hospital and Medical Insurance	15,292	
A	7410	89060	Hospital and Medical Insurance	36,644	
A	1010	10005	Director of Majority Operation	12,445	
A	1010	12566	Director of Majority Operation		27,692

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT			ACCOUNT DESCRIPTION	INCREASE	DECREASE
A	1010	19951	Health Insurance Buyout	2,917	
A	1010	44037	Insurance	19	
A	1010	44040	Books/Transcripts/Subscripts	5,249	
A	1010	44042	Printing And Advertising		3,349
A	1010	44046	Fees For Services		12,383
A	1010	44070	Equipment Repair And Rental		591
A	1164	18147	Custodial Worker		1,267
A	1164	19950	Longevity Raise	350	
A	1164	19951	Health Insurance Buyout	917	
A	1164	44101	Electric		59,137
A	1165	10113	District Attorney	53	
A	1165	11150	Bureau Chief Assistant DA		24,137
A	1165	12015	Assistant District Attorney II		13,500
A	1165	12016	Assistant District Attorney I		11,980
A	1165	12237	Crime Victim Caseworker		1,455
A	1165	14021	Criminal Investigator DA	32	
A	1165	14022	Criminal Investigator PT	22,138	
A	1165	14923	Community Prosecution Coord.	22,738	
A	1165	15025	Legal Secretary	3,178	
A	1165	16192	Keyboard Specialist		6,723
A	1165	16412	Receptionist		13,537
A	1165	19850	Sick Leave Incentive	1,000	
A	1165	19900	Overtime	42,972	
A	1165	19930	Personal Leave Pay	20	
A	1165	19950	Longevity Raise		5,298
A	1165	19970	Temporary Help	7,419	
A	1165	19980	Clothing Allowance		696
A	1165	44020	Office Supplies	1,756	
A	1165	44036	Telephone	691	
A	1165	44037	Insurance	17	
A	1165	44038	Travel, Mileage, Freight		16,463
A	1165	44040	Books/Transcripts/Subscripts		17,388
A	1165	44042	Printing And Advertising	267	
A	1165	44046	Fees For Services	30,932	
A	1165	44054	Transcription Services		31,700
A	1165	44102	Gas And Oil	7,192	
A	1170	12019	Assistant Public Defender II		48,800
A	1170	12023	Deputy Public Defender		92
A	1170	16022	Data Entry Machine Operator	92	
A	1171	12025	Assistant Public Defender II		24,008
A	1171	12035	Supervising Administrator		45,000
A	1171	19951	Health Insurance Buyout	1,500	
A	1171	44065	Photocopier Lease	335	
A	1172	12002	Supervising Attorney		27,449

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT			ACCOUNT DESCRIPTION	INCREASE	DECREASE
A	1172	44039	Conferences Training Tuition		30,000
A	1172	44043	Legal Fees	107,449	
A	1172	44046	Fees For Services		50,000
A	1173	12019	Assistant Public Defender		106,000
A	1173	12020	Assistant Public Defender	600	
A	1173	16401	Confidential Secretary		16,500
A	1185	44035	Postage	123	
A	1185	44042	Printing And Advertising	257	
A	1185	44046	Fees For Services	26,200	
A	1185	44048	Laboratory Fees And Services	162,283	
A	1185	44065	Photocopier Lease	270	
A	1185	44070	Equipment Repair And Rental		350
A	1185	44252	Medical Services/Therapy	33,700	
A	1230	11810	Deputy County Executive	8,163	
A	1230	19942	County Intern Program		15,000
A	1230	19950	Longevity Raise	2,650	
A	1230	19951	Health Insurance Buyout		1,717
A	1230	19970	Temporary Help	5,904	
A	1310	12570	Property Manager		27,645
A	1310	12570	Property Manager		4,055
A	1310	16312	Sr. Foreclosure Clerk		61,900
A	1310	16314	Finance Clerk II		16,692
A	1310	19950	Longevity Raise	700	
A	1310	19970	Temporary Help	26,945	
A	1315	10110	Comptroller	968	
A	1315	12513	Accountant II PT	2,261	
A	1315	12521	Auditor		4,811
A	1315	12521	Auditor		9,700
A	1315	12551	Policy Analyst		17,759
A	1315	15502	Administrative Aide PT	1,082	
A	1315	19951	Health Insurance Buyout	500	
A	1340	16401	Confidential Secretary		4,001
A	1340	19950	Longevity Raise	450	
A	1340	19951	Health Insurance Buyout	4,000	
A	1345	13501	Specification Technician		6,891
A	1345	15541	Procurement Clerk		14,700
A	1345	19951	Health Insurance Buyout	2,333	
A	1355	19951	Health Insurance Buyout	2,000	
A	1355	44036	Telephone	73	
A	1364	44301	Taxes and Assessments	109,895	
A	1410	16204	Clerk II		27,542
A	1410	16206	Clerk I		49,200
A	1410	16726	Microfilm Aide		38,500

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT			ACCOUNT DESCRIPTION	INCREASE	DECREASE
A	1410	19951	Health Insurance Buyout	500	
A	1410	44037	Insurance	9	
A	1410	44040	Books/Transcripts/Subscripts		509
A	1411	15504	Administrative Assistant		42,881
A	1411	44037	Insurance	6	
A	1420	12001	Assistant County Attorney– RTA		75,000
A	1420	14134	Investigator – RTA		52,115
A	1432	12445	Equity Agenda Coordinator		18,907
A	1432	19950	Longevity Raise	1,900	
A	1432	44035	Postage	1,360	
A	1432	44036	Telephone	200	
A	1432	44037	Insurance	9	
A	1440	17101	Construction Manager	350	
A	1440	17107	Clerk of the Works	163	
A	1440	19951	Health Insurance Buyout	333	
A	1450	19951	Health Insurance Buyout	2,750	
A	1450	22900	Election Equipment	10,782	
A	1450	44036	Telephone	12,319	
A	1450	44037	Insurance	5	
A	1450	44046	Fees For Services		31,230
A	1450	44975	Election Day Staffing		527,500
A	1610	44101	Electric		39,372
A	1610	44725	Civic Center Parking Garage	142,409	
A	1620	18147	Custodial Worker	8,718	
A	1620	18404	Laborer PT		3,226
A	1620	18404	Laborer PT		900
A	1620	18404	Laborer PT		1,275
A	1620	19952	Compensatory Time Payout	293	
A	1620	44036	Telephone	33	
A	1620	44071	Property Repair And Rental	524	
A	1620	44101	Electric		217,000
A	1620	44104	Natural Gas		96,481
A	1620	44105	Water		9,567
A	1660	19950	Longevity Raise	900	
A	1670	19951	Health Insurance Buyout	1,000	
A	1670	44070	Equipment Repair And Rental	275	
A	1680	12713	Senior Application Developer		30,590
A	1990	44999	Misc Contractual Expense		58,664
A	2490	44039	Conferences/Training/Tuition	1,482,089	
A	3020	12734	Help Desk Technician PT		20,488
A	3020	13306	Telecommunicator		134,100
A	3020	19900	Overtime	270,794	
A	3020	19948	Shift Differential	2,974	
A	3020	19980	Clothing Allowance	1,700	

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT			ACCOUNT DESCRIPTION	INCREASE	DECREASE
A	3020	44050	CAD Systems		175,400
A	3020	44070	Equipment Repair And Rental	116	
A	3110	11360	Chief Deputy Sheriff	55	
A	3110	14136	Sheriffs Sergeant	28,490	
A	3110	14138	Deputy Sheriff		424,680
A	3110	14502	Court Attendant		53,960
A	3110	16401	Confidential Secretary	8,435	
A	3110	17513	Automotive Mechanic	111	
A	3110	19850	Sick Leave Incentive	250	
A	3110	19900	Overtime	50,811	
A	3110	19930	Personal Leave Payout	6,203	
A	3110	19944	Emergency Medical Techn. PT		27,267
A	3110	19952	Compensatory Time Payout	30,210	
A	3110	44029	Automobile Parts, Supplies	146	
A	3110	44037	Insurance	7,366	
A	3110	44038	Travel,Mileage,Freight		4,938
A	3110	44038	Travel,Mileage,Freight	984	
A	3110	44038	Travel,Mileage,Freight	240	
A	3110	44038	Travel,Mileage,Freight	12	
A	3110	44038	Travel,Mileage,Freight	10	
A	3110	44038	Travel,Mileage,Freight	222	
A	3110	44072	Vehicle Maintenance	10,038	
A	3150	12302	Corrections Lieutenant	6,471	
A	3150	12322	Inmate Services Specialist	78	
A	3150	14112	Corrections First Sergeant	1,130	
A	3150	14115	Corrections Officer		977,697
A	3150	14117	Senior Identification Officer	648	
A	3150	16102	Account Clerk I	120	
A	3150	16192	Keyboard Specialist	119	
A	3150	16202	Clerk III	2,852	
A	3150	16206	Clerk I	381	
A	3150	16512	Senior Stores Clerk	175	
A	3150	18006	Cook	1,891	
A	3150	19900	Overtime	857,749	
A	3150	19930	Personal Leave Payout	318	
A	3150	44037	Insurance	12,741	
A	3189	19900	Overtime Regular	3,878	
A	3189	19950	Longevity Raise	50	
A	3189	19970	Temporary Help		3,928
A	4010	12207	Medical Social Worker		9,948
A	4010	15113	Nurses Aide	340	
A	4059	12179	Supervising Family Serv.Spec.	33	
A	4059	12186	Family Service Specialist		33
A	4310	12205	Staff Social Worker		116,725

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT			ACCOUNT DESCRIPTION	INCREASE	DECREASE
A	4310	44037	Insurance	11,735	
A	4310	44104	Natural Gas	2,448	
A	4610	11028	Director Crime Victims Center	23	
A	4610	12240	Crime Victims Case Manager	277	
A	4610	12272	Campus Sexual Assault Coord.		1,110
A	4610	19950	Longevity Raise	400	
A	6010	12222	Asst Dir Soc Serv.Prog.	7	
A	6010	16106	Account Clerk III		16,340
A	6010	44104	Natural Gas	1,040	
A	6110	44046	Fees For Services		2,867
A	6119	12103	Family Court Evaluator		20,824
A	6119	12189	Intensive Case Manager	63	
A	6119	15222	Eligibility Examiner II	366	
A	6119	16028	Data Entry Operator	6,414	
A	6119	19951	Health Insurance Buyout	13,917	
A	6119	44037	Insurance	64	
A	6142	44046	Fees For Services	2,867	
A	6772	12270	Aging Specialist		14,162
A	6772	19900	Overtime		198
A	6772	44425	EISEP		109,895
A	6772	44453	Home Delivered Meals	14,360	
A	6989	44901	Payments to Debt Service		205,599
A	6989	44920	Convention Center Planning Ctr		3,914,132
A	6989	44999	Other Economic Opportunity Dev	3,914,132	
A	7128	44301	Taxes and Assessments	58,664	
A	7310	12173	Prevention Specialist	52	
A	7410	11043	Rink Manager	21	
A	7410	16232	Clerk Typist III		42,500
A	7410	19950	Longevity Raise	1,100	
A	7410	19951	Health Insurance Buyout	4,000	
A	7410	19970	Temporary Help		18,000
A	7410	22700	Recreation Equipment		12,700
A	7410	44036	Telephone	378	
A	7410	44301	Taxes And Assessment		955
A	9901	99901A	Transfer to Debt Service Fund	114,279	
A	9901	99901B	Transfer Road Fund		114,279
TOTAL APPROPRIATIONS				8,898,684	8,898,684

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT	ACCOUNT DESCRIPTION	INCREASE	DECREASE
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RISK RETENTION FUND

CS	9171	44047	Consultant Fees		74,854
CS	1931	44902	Risk Retention Fund Charges	204,654	
CS	9930	44999	Misc. Contractual Expense		129,800
TOTAL APPROPRIATIONS				204,654	204,654

ROAD FUND

D	5031	5031	Interfund Transfers		19,250
D	5110	17202	Highway Foreman III	4,690	
D	5110	19900	Overtime	127,734	
D	5020	19950	Longevity Raise	250	
D	5010	19951	Health Insurance Buyout	1,500	
D	5020	19951	Health Insurance Buyout	1,000	
D	5110	19952	Compensatory Time Payout	2,059	
D	5110	44071	Property Repair And Rental	1,564	
D	5112	44075	Bridge And Road Repair		474,229
D	5142	44107	Chemicals-Salt/Calc/Chl/Sand	333,171	
D	5110	89030	Social Security	2,260	
D	9060	89060	Hospital and Medical Insurance	19,250	
TOTAL APPROPRIATIONS				493,479	493,479

ROAD MACHINERY FUND

DM	5130	16514	Stores Clerk		16,560
DM	5130	17125	Painter		14,720
DM	5130	17503	Automotive Body Mechanic	1,528	
DM	5130	17511	Automotive Mech Foreman II		7,787
DM	5130	17903	Blacksmith / Welder		4,836
DM	5130	18414	Utility Man		4,158
DM	5130	19900	Overtime	3,339	
DM	5130	19951	Health Insurance Buyout	1,000	
DM	5130	22350	Tools		1,190
DM	5130	44071	Property Repair And Rental		1,110
DM	5130	44101	Electric		12,940
DM	5130	44102	Gas And Oil		8,560
DM	5130	44103	Fuel		17,630
DM	5130	44104	Natural Gas		5,660
DM	5130	89010	State Retirement		14,380
DM	5130	89030	Social Security		5,693
DM	5130	89060	Hospital and Medical Insurance	128,606	
DM	5130	89060	Hospital and Medical Insurance		19,250
TOTAL APPROPRIATIONS				134,474	134,474

2019 YEAR END BUDGET VARIANCE REPORT

ACCOUNT	ACCOUNT DESCRIPTION	INCREASE	DECREASE
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WATER PURIFICATION FUND

G	9710	66000	Serial Bonds (Principal)	4,437	
G	8130	89030	Social Security		7,635
G	8130	89060	Hospital and Medical Insurance		84,114
G	9060	89060	Hospital and Medical Insurance	87,312	
TOTAL APPROPRIATIONS				91,749	91,749

NURSING HOME FUND

NH	6020	11321	Director of Physical Therap	73,106	
NH	6020	11321	Director of Physical Therap	19	
NH	6020	12124	Wound Care Nurse	13,825	
NH	6020	12165	Resident Care Coordinator	6,755	
NH	6020	13132	Licensed Practical Nurse		621,081
NH	6020	15291	Activity Leader	392	
NH	6020	15501	Administrative Aide	26,917	
NH	6020	18000	Chief Dietician	158	
NH	6020	18580	Per Diem Therapies PT	34,035	
NH	6020	19900	Overtime	3,408	
NH	6020	19911	Holiday Pay	30,146	
NH	6020	19951	Health Insurance Buyout	2,458	
NH	6020	44032	Laundry and Linen	21,908	
NH	6020	44039	Conf, trng, tuition-unassigned	16,121	
NH	6020	44046	Fees For Services	22,446	
NH	6020	44250	Other Medical Services	28,927	
NH	6020	44699	Assessment	139,694	
NH	9710	66000	Serial Bonds (Principal)	20,994	
NH	9710	77000	Serial Bonds (Interest)	19,513	
NH	9730	77000	Interest Payments	160,258	
TOTAL APPROPRIATIONS				621,081	621,081

DEBT SERVICE FUND

ACCOUNT	ACCOUNT DESCRIPTION	INCREASE	INCREASE
V	9991 5791	Advanced Refunding Bonds (Revenue)	11,112,600
V	9991 44906	Payments to Esrow Agent	10,704,360
V	1380 44908	Fiscal Agent Fees	97,245
V	9730 77000	Interest Payments	310,995
TOTAL DEBT SERVICE FUND			11,112,600

RESOLUTION NO. 136

REQUESTING THE NYS LEGISLATURE TO ENACT ASSEMBLY BILL NO. 10048/SENATE BILL NO. 7990 TO CONTINUE THE 6% HOTEL/MOTEL OCCUPANCY TAX IN ALBANY COUNTY

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, Reauthorization of the 6% hotel and motel room occupancy tax in Albany County will serve to continue the funding mechanism for the Albany Convention Center project and improvements to the Times Union Center, and

WHEREAS, Reauthorization of the hotel/motel occupancy tax at 6% must be enacted by the State Legislature, and

WHEREAS, Currently, bills entitled, "AN ACT to amend chapter 105 of the laws of 2009 amending chapter 693 of the laws of 1980 enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes, in relation to the effectiveness thereof" are before both houses of the New York State Legislature: in the Assembly, Bill A.10048, and in the Senate, Bill S.7990, now, therefore be it

RESOLVED, By the Albany County Legislature, pursuant to Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law, that the County Legislature hereby requests the enactment of legislation by the Legislature of the State of New York as contained in Assembly Bill A.10048 and Senate Bill S.7990, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials; Senators Neil Breslin and George Amedore; and Members of Assembly Patricia Fahy, John T. McDonald III, and Phillip G. Steck.

RESOLUTION NO. 137

REQUESTING THE NYS LEGISLATURE TO ENACT ASSEMBLY BILL NO. 10155/SENATE BILL NO. 8069 TO CONTINUE A MORTGAGE RECORDING TAX IN ALBANY COUNTY

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, Albany County's authority to collect a county recording tax on mortgage obligations on real property within the County expires on December 1, 2020, and

WHEREAS, Revenues from the recording tax help relieve the burdens placed on local property taxpayers, and

WHEREAS, Currently, bills entitled, "AN ACT to amend chapter 405 of the laws of 2005 amending the tax law relating to authorizing the county of Albany to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the effectiveness thereof" through December 1, 2022 are before both houses of the New York State Legislature: in the Assembly Bill No. 10155, and in the Senate, Bill No. 8069, now, therefore be it

RESOLVED, By the Albany County Legislature, pursuant to Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law, that the County Legislature hereby requests the enactment of legislation by the Legislature of the State of New York as contained in Assembly Bill No. 10155 and Senate Bill No. 8069, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials; Senators Neil Breslin and George Amedore; and Members of Assembly Patricia Fahy, John T. McDonald III, and Phillip G. Steck.

RESOLUTION NO. 138

REQUESTING THE NYS LEGISLATURE TO ENACT AN AMENDMENT TO THE TAX LAW TO AUTHORIZE ALBANY COUNTY TO CONTINUE THE 1% SALES AND USE TAXES

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, An extension of the 1% in sales and compensating use taxes due to expire on November 30, 2020 in Albany County will serve to raise additional revenue to offset the costs of mandated programs and assist the towns and cities within Albany County to continue providing vital services without increasing property taxes, and

WHEREAS, The continuation of said 1% in the sales and compensating use taxes must be authorized by the State Legislature, and

WHEREAS, Currently, bills entitled, "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Albany" are before both houses of the New York State Legislature; in the Assembly, Bill A. 10154; and in the Senate, Bill S.8070, now, therefore be it

RESOLVED, By the Albany County Legislature, pursuant to Article IX of the New York State Constitution that the County Legislature hereby requests the enactment of legislation by the Legislature of the State of New York as contained in Assembly Bill A. 10154 and Senate Bill S.8070, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate State and County Officials.

RESOLUTION NO. 139

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "A" FOR 2020

Introduced: 3/24/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "A" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, April 28, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

RESOLUTION NO. 140

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020

Introduced: 3/24/20

By Mr. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "B" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, April 28, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

RESOLUTION NO. 141

REFUNDING BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$34,500,000 OF THE COUNTY OF ALBANY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO

Introduced: 3/24/20

By Messrs. A. Joyce and Feeney:

WHEREAS, the County of Albany, New York (the "County") heretofore issued its (A) \$20,505,000 original aggregate principal amount General Obligation Serial Bonds – 2012, and (B) \$37,054,320 original aggregate principal amount Various Purposes Serial Bonds - 2013 (collectively, the "Prior Bonds") to finance various capital improvements, as described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the County desires to refund all or a portion of the Prior Bonds by issuing certain refunding bonds and selling such bonds pursuant to the Local Finance Law; and

WHEREAS, the portion of the outstanding Prior Bonds being considered by the County to be refunded mature in the amounts and on the dates set forth in Exhibit B attached hereto and made a part thereof; and

WHEREAS, the County has the power and authority to issue refunding bonds of the County for the purpose of refunding and thereby refinancing all or a portion of the Prior Bonds at more favorable rates of interest, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.00 and/or 90.10 of the Local Finance Law (the "Refunding Law"); and

WHEREAS, it would be in the public interest to refund all or a portion of the Prior Bonds by the issuance of refunding bonds pursuant to the Refunding Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by the Refunding Law;

BE IT RESOLVED, by the County Legislature of the County as follows:

SECTION 1. For the object or purpose of refunding all or a portion of the outstanding principal balance of the Prior Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (A) the principal

amount of the Prior Bonds, (B) the aggregate amount of unmatured interest payable on the Prior Bonds to and including the date on which the Prior Bonds mature or are redeemed in accordance with the refunding financial plan, as hereinafter defined, (C) the redemption premiums, if any, payable on the Prior Bonds as of such redemption date or dates, (D) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, but not limited to, the development of the refunding financial plan, as hereinafter defined, the fees and costs of the municipal advisor of the County (the "Municipal Advisor"), the fees and costs of the bond counsel of the County (the "Bond Counsel"), the costs and expenses of executing and performing the terms and conditions of the escrow contract, as hereinafter defined, and fees and charges of the escrow holder, as hereinafter described, and (E) the premium or premiums, if any, for the policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the General Obligation Refunding Serial Bonds – 2020 of the County in an aggregate principal amount not to exceed \$34,500,000 pursuant to the provisions of the Refunding Law (the "Refunding Bonds"), it being anticipated that the principal amount of Refunding Bonds actually to be issued will be approximately \$31,430,000 as described in Section 5 hereof. The Refunding Bonds shall be dated such date as shall hereafter be determined by the County Comptroller pursuant to Section 5 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof (together with one or more odd denominations, depending on the final sizing of the Refunding Bonds and the number of series) not exceeding the principal amount of each respective maturity, shall be issued in one or more series of federally tax-exempt and federally taxable series of bonds, and shall mature annually and shall bear interest semi-annually thereafter on such dates as shall be determined by the County Comptroller pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the County Comptroller.

SECTION 2. The County Comptroller is hereby delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 3. The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Comptroller, and a facsimile of its corporate seal shall be imprinted thereon and attested by the County Clerk. The Refunding Bonds shall contain the recital required by Section 90.00(g)(4) or 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, as the County Comptroller shall determine.

SECTION 4. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by the Local Finance Law;

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Prior Bonds for each of the objects or purposes for which the Prior Bonds were issued is as shown upon Exhibit A;

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of each of the objects or purposes for which the Prior Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Prior Bonds or the weighted average remaining period of probable usefulness of all objects or purposes (or classes of objects or purposes) financed with all the Prior Bonds, in accordance with the provisions of the Refunding Law;

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of the Refunding Law, is as shown in the Preliminary Refunding Financial Plan described in Section 5 hereof; and

(E) The Refunding Bonds shall be issued in one or more series of bonds, with each such series being a series of federally tax-exempt bonds (the "Tax-Exempt Series") or federally taxable bonds (the "Taxable Series"), for purposes of complying with applicable federal and state law.

SECTION 5. A preliminary financial plan for the refunding authorized by this resolution (the "Preliminary Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit C attached hereto and made a part of this resolution. The Preliminary Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$31,430,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit C. This County Legislature recognizes that the amount of the Refunding Bonds, and the maturities, terms (including the number of series of the Refunding Bonds, and the principal amount of each Tax-Exempt Series and each Taxable Series), and interest rate and rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan

(as defined below) will also most probably be different from that attached hereto as Exhibit C. The County Comptroller is hereby authorized and directed to determine the amount of the Prior Bonds to be refunded, the redemption of the Prior Bonds, including the date and amount of such redemption or redemptions and authorizing and directing the Escrow Holder described in Section 6 hereof to cause notice of such redemption, the amount of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms (including the number of series of the Refunding Bonds, and the principal amount of each Tax-Exempt Series and each Taxable Series) thereof, the provisions relating to any redemption of the Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, the terms of a (A) private sale of the Refunding Bonds to an underwriter or (B) public sale, including the form, terms and conditions of the notice of sale providing for the public sale of the Refunding Bonds, the amount of the annual installments of the Refunding Bonds to be paid pursuant to the Refunding Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, to prepare, or cause to be prepared, a final refunding financial plan (the "Refunding Financial Plan") for the Refunding Bonds, whether the Refunding Bonds are to be sold in conjunction with or consolidated with the issuance of certain other refunding bonds to be issued by the County to refund any other general obligation serial bonds issued by the County (including, but not limited to, the structuring of the annual installments of the consolidated issue) and all powers in connection therewith are hereby delegated to the County Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Refunding Law. The County Comptroller shall file a copy of her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the County Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 6. The County Comptroller is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as she shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Prior Bonds, as the escrow holder to perform the services described in the Refunding Law.

SECTION 7. The faith and credit of said County are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 8. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Prior Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds on the next bond payment date of such Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Prior Bonds in accordance with the Refunding Law, and the holders, from time to time, of the Prior Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Prior Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the County irrespective of whether such parties have notice thereof.

SECTION 9. The County Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt obligations" in accordance with Section 265 of the Code.

SECTION 10. The County Comptroller is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The County hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment; and therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. In accordance with the provisions of Sections 50.00 and 53.00 of the Local Finance Law and the Refunding Law, subject to the determination by the County Comptroller regarding the redemption of the Prior Bonds described in Section 5 above, the County hereby elects to redeem the Prior Bonds with the proceeds of the Refunding Bonds prior to their stated maturity dates on the date or

dates provided in the Refunding Financial Plan. The sums to be paid therefor on such redemption date or dates shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date or dates. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunding Financial Plan. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Prior Bonds and the direction to cause notice thereof to be given as provided in this section shall become irrevocable, provided that this section may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. Subject to compliance with the provisions of the Refunding Law, the Refunding Bonds may be sold at:

(A) Public sale and the County Comptroller is hereby authorized to arrange for such public sale. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Local Finance Law, the powers and duties of the County Legislature pertaining or incidental to the sale and issuance of the obligations herein authorized, including, but not limited to, prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized, are hereby delegated to the County Comptroller, the chief fiscal officer of the County; or

(B) Private sale to an underwriter and the County Comptroller is hereby authorized to negotiate for such private sale. The County Comptroller is hereby authorized to execute and deliver a bond purchase agreement with an underwriter for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the County Comptroller in accordance with such bond purchase agreement upon the receipt by the County of such purchase price, including any premium or accrued interest.

SECTION 14. The County Comptroller and the County Clerk and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the bond purchase agreement.

SECTION 15. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Comptroller and all powers in connection therewith are hereby delegated to the County Comptroller.

SECTION 16. The validity of the Refunding Bonds may be contested only if:

(A) (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(B) Said obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 17. The Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in full (or a summary thereof), together with a notice attached in substantially the form as prescribed in Section 81.00 of the Local Finance Law, in the official newspaper or newspapers of said County.

SECTION 18. This resolution shall take effect immediately upon its adoption.