

ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 1

RESOLUTION NO. OF 2019

A RESOLUTION OF THE ORANGE COUNTY LEGISLATURE, OPPOSING NEW YORK STATE SENATE BILL 2837/ASSEMBLY BILL 2750 OF 2019.

WHEREAS, As has been widely reported, area farms are ceasing to operate; and

WHEREAS, According to the USDA, 98% of New York State farms are family owned; and

WHEREAS, Farming is a highly regulated industry which goes on twenty-four hours a day, every day of the year; and

WHEREAS, Orange County farmers provide valuable jobs and are a critical component of our County and region's economy; and

WHEREAS, Orange County farmers are known to produce great food items which are sold at both local and well-known farmers markets across the Northeast; and

WHEREAS, Farm labor is highly competitive, and Orange County's farmers are respectful and appreciative of their employees; and

WHEREAS, Senator Jessica Ramos and Assemblywoman Catherine Nolan, have introduced Senate Bill 2837 and Assembly Bill 2750 which would, among other things, provide for collective bargaining rights of farm workers and require overtime pay; and

WHEREAS, the effect of a labor strike on a farm could destroy an entire year's worth of crops, rendering perishable food not edible; and

WHEREAS, According to Farm Credit East, overtime combined with the rising minimum wage would raise labor costs on NY farms by nearly \$300 Million and reduce net farm income 23.4%; and

WHEREAS, Family Farming is already on the decline, and making the same less profitable (when it is profitable at all) is a further disincentive to continue family farming operations, when the land farms sit on can be profitably sold and developed for non-agricultural uses; and

WHEREAS, New York's farm families, while local, must deal with competitive global agricultural markets and prices that cannot be passed on to consumers; and

WHEREAS, the net effect of increasing agricultural costs solely on New York farms will simply be to drive New York farm families out of business; and

WHEREAS, Orange County is represented, in part, by the Chairperson of the Senate Agriculture Committee; and

WHEREAS, in that unique capacity, Orange County's request to oppose this legislation and stop its passage should be and must be critically considered by the NYS Senate;

NOW, THEREFORE, it is hereby

RESOLVED, that this Legislative body does pause in its deliberations to oppose Senate Bill 2837/Assembly Bill 2750 and hereby requests that Orange County's State Legislators advise us of their position with respect to such legislation and take such steps as they can to defeat such legislation; and be it further

RESOLVED, that a copy of this resolution shall be sent by the Clerk of the Legislature to the members of the New York State Legislature representing Orange County.

ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 2

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PLANNING, TO APPLY FOR AND ACCEPT A FEDERAL TRANSIT ADMINISTRATION GRANT, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Orange County Department of Planning is seeking to apply for and accept a Federal Transit Administration (FTA) Job Access Reverse Commute (JARC) grant in the amount of \$600,000.00. This grant will fund the Orange County JARC program in 2019, 2020, and 2021 (\$200,000.00 each year). The program is operated by the Orange County Employment and Training Administration in coordination with the Orange County Workforce Investment Board, and the FTA grant is administered by the Department of Planning. No appropriation is required, as funds are budgeted for in the Employment and Training operating budget.

NOW, THEREFORE, it is hereby

RESOLVED, that the County Executive, in conjunction with the Commissioner of Planning, be and hereby is authorized to apply for and accept a Federal Transit Administration (FTA) Job Access Reverse Commute (JARC) grant in the amount of \$600,000.00, as indicated above, and it is further

RESOLVED, that the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations
Sponsors:
Co-Sponsors:

Agenda No. 3

RESOLUTION NO. OF 2019

RESOLUTION RECOGNIZING MAY 1, 2019 AS HOLOCAUST MEMORIAL DAY "YOM HASHOAH."

WHEREAS, in 1953, Israel signed a law to recognize a day each year for all its citizens to commemorate the victims of the Holocaust "Yom Hashoah Ve-Hagevurah" (the day of remembrance of the Holocaust and Heroism); and

WHEREAS, in 2005, the General Assembly of the United Nations adopted a Resolution on the Holocaust Remembrance, reaffirming, among other things, (i) the Universal Declaration of Human Rights which proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, religion and other status and (ii) that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; and

WHEREAS, today, Holocaust Memorial Day, is recognized internationally as the day to commemorate all those who were victims of the Holocaust and Nazi persecution, as well as the victims of earlier and later genocides - including victims of persecution in Syria, Armenia, Cambodia, Rwanda, Bosnia, Kosovo, Darfur and others - and to explore wider issues of prejudice, hatred, discrimination and community cohesion throughout the world.

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Orange County Legislature recognizes May 1, 2019, as Holocaust Memorial Day and We commend these sentiments to every citizen of Orange County that all might remember and reflect upon the Holocaust and more recent genocides as a clear warning of where racism and other forms of prejudice and discrimination can lead.

ORANGE COUNTY LEGISLATURE

Committees: Rules, Enactments and Intergovernmental Relations; Ways and Means

Sponsors:
Co-Sponsors:

RESOLUTION NO. OF 2019

RESOLUTION REAFFIRMING THE ORANGE COUNTY DEPARTMENT OF GENERAL SERVICES PROCUREMENT POLICY.

WHEREAS, the Legislature of the County of Orange did, on September 1, 2011 approve Resolution No. 189 of 2011 authorizing the adoption of the new Procurement Policies and Procedures which would be the guiding principles of the Orange County Commissioner of General Services with regard to Orange County’s purchasing of all goods and services not required by law to be made pursuant to competitive bidding requirements. Said Policy was amended by Resolution No. 79 of 2012 on April 5, 2012, Resolution No. 168 of 2013 on August 1, 2013, Resolution No. 193 of 2013 on September 5, 2013, Resolution No. 91 of 2014 on April 4, 2014, Resolution No. 242 of 2015 on December 3, 2015, and further amended by Resolution No. 272 of 2017 on December 7, 2017; and

WHEREAS, the Orange County Commissioner of General Services recommends the reaffirmation of the Orange County Department of General Services Procurement Policy with highlighted federally funded procurement guidelines.

NOW, THEREFORE, it is hereby

RESOLVED, that the Orange Department of General Services Procurement Policy is hereby adopted as reaffirmed and as annexed hereto as Schedule "A".

**COUNTY OF ORANGE
PROCUREMENT POLICY**

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PART I. PURPOSE

Pursuant to New York State General Municipal Law ("General Municipal Law") §104-b, "to assure the prudent and economical use of public moneys in the best interests of the taxpayers,...to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption", the following County of Orange ("County") Procurement Policy is applicable to procurements not subject to competitive bidding under General Municipal Law §103.

Part II. Authorizations

A. Procurement and Award Authorization

Unless this Policy, or a delegation of solicitation and contracting that is approved by the County Executive and promulgated by the Commissioner of the Department of General Services ("DGS") pursuant to Section 27.02(3) of the Orange County Charter, provides otherwise, the procurement and award of all Commodities, Equipment, Technology and Services (including Professional Services and Public Works) shall be the responsibility of the Commissioner.

B. Supersession of Legal Authorizations

1. All procurements under this Policy, shall be made in accordance with the version of the law, regulation, guidance or funding requirement, as may be referred to in this Policy, applicable at the time of the procurement (i.e. as may be amended from the original version referenced in this Policy).
2. Procurements may also be made in accordance with any other lawfully authorized manner, including, but not limited to, federal or New York State statutory or regulatory authorizations, existing or future, regardless of whether they are mentioned in this Policy, as determined by the Commissioner in consultation with the County Attorney.
3. If a procurement is made under this policy (as opposed to via any other lawful manner), the failure to observe any notice, recordkeeping or formality shall not render the procurement invalid provided the Commissioner, in consultation with the County Attorney, determines that the failure did not lead to favoritism, improvidence, extravagance, fraud and/or corruption in the procurement.

C. Authorization to Require Use of Countywide Purchase Orders and Contracts

1. Per §27.02(8) of the Orange County Charter, the Commissioner reserves the right to require solicitation and procurement of any type of Commodities, Equipment, Technology and Services (including Professional Services and Public Work) by one Unit of Government for all or several Units of Government in the aggregate, upon the approval of the County Executive, and all such Units of Government shall be required to use the Countywide purchase order or contract once the current term of any Unit of Government's purchase order or contract for the same Commodity, Equipment, Technology or Service expires.

2. The costs for the Commodities, Equipment, Technology and Services procured shall accrue to each end user Unit of Government, or as may otherwise be directed by the County Executive, regardless of which Unit of Government administers the Countywide purchase order or contract.

D. Designees

References to positions or titles including, but not limited to: Commissioner, County Executive, County Attorney, or Department Head shall be construed to mean the right, duty or action associated with that position may also be performed by an authorized designee.

E. Compliance

Compliance with this Policy and any related procedures for such purchases will be the responsibility of the Procuring Agency and DGS, each with respect to their roles in the process as outlined in this Policy.

PART III. DEFINITIONS

The definitions below are for terms as used in this Policy. References to laws or regulations may indicate the source on which the definition is modeled but, should not be construed to imply expansion of applicability of that law or regulation to anything other than that which is specifically governed by that law or regulation.

A. Building Service Work.

Means services (which may also include the supply of Commodities, Equipment, and/or Technology) currently subject to Article 9 of the New York State Labor Law ("Labor Law") and as may be further determined by New York State Department of Labor. Procuring Agencies may confer with the Commissioner and the County Attorney on any questions or concerns regarding categorization of Building Service Work procurements.

B. Commodity or Commodities.

"Means material, goods, supplies, products, construction items, electronic information resources or other standard articles of commerce, which are the subject of any purchase or other exchange". (Cf. New York State Finance Law ("State Finance Law") §160(3)).

C. Commissioner.

Means the Commissioner of the Department of General Services.

D. Contract Administrator.

Means the staff or individual in a Procuring Agency that assists with procurement (i.e. personnel that handle contract management for their department).

E. Contractor.

Means an entity (e.g. vendor, consultant, supplier, lessor) that is supplying Commodities, Equipment, Technology or Services to the County under a purchase order or contract (including leases or rental agreements) but, does not include a Subrecipient.

F. Department Head.

Means a Commissioner, Director or other head of a "Unit of County Government" as defined in Part III(W) of this Policy.

G. Equipment.

Means tangible personal property (including Technology) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds five hundred dollars (\$500.00). (See 2 CFR §200.33).

H. Federal Competitive Proposal.

Means Federally-Funded procurements conducted in accordance with 2 CFR §200.320(d).

I. Federally-Funded.

Means activities financed through federal funding awards, **including federal funding passed through New York State or another entity to the County.**

J. Federal Micro-Purchase.

Means a Federally-Funded procurement conducted in accordance with 2 CFR §200.320(a). The Micro-Purchase threshold is set by 48 CFR §2.101 and, per Presidential Memo 18-18, is currently \$3,500, with certain exceptions. Presidential Memo 18-18 allows use of a \$10,000 threshold in certain instances as of June 20, 2018 and regulatory updates pursuant to this memo are anticipated in 2018. Consult with the County Attorney on questions regarding thresholds.

K. Federal Noncompetitive Proposal.

Means Federally-Funded procurements conducted in accordance with 2 CFR §200.320(f). (See also Part XI. [Sole or Single Source Procurement] of this Policy).

L. Federal Sealed Bid.

Means Federally-Funded procurements conducted in accordance with 2 CFR §200.320(c).

M. Federal Small Purchase.

Means Federally-Funded purchases that do not cost more than the Simplified Acquisition Threshold ("SAT") (as defined in Part III(T) of this Policy) and which are conducted in accordance with 2 CFR §200.320(b).

N. Procurement Record.

Means documentation of the decisions made and the approach taken in the procurement process. (Cf. New York State Finance Law 163(1)(f) and See also Part XXV of this Policy.)

O. Procuring Agency.

Means the Unit of County Government (as defined in Part III(W) of this Policy) procuring a Commodity, Equipment, Technology or Service.

P. Professional Services.

Are a subset of the general category Services, further defined in Part X of this Policy.

Q. Public Work.

Means services (which may include the supply of Commodities, Equipment and/or Technology) currently subject to Article 8 of the Labor Law and as may be further determined by New York State Department of Labor. Procuring Agencies may confer with the Commissioner and the County Attorney on any questions or concerns regarding categorization of Public Work procurements.

R. Purchase Contract.

Means procurements of Commodities, Equipment, Technology or Services (including Building Service Work), except for Public Work and Professional Services.

S. Service or Services.

Means the performance of a task or tasks, which may also include supply of Commodities, Equipment or Technology as part of the procurement. Unless otherwise specified, Services include Professional Services, Building Service Work, Public Work and all other types of Services.

T. Simplified Acquisition Threshold (SAT)

Means the amount set forth at 48 CFR 2.101. In October of 2018, with certain exceptions as per 48 CFR 2.101(1) and (2), the SAT, as authorized by the National Defense Authorization Act for FY 2018 and Presidential Memo 18-18, is \$250,000. Presidential Memo 18-18 anticipated regulatory updates pursuant to the memo in 2018.

U. Subrecipient.

Means an entity receiving from the County a subaward of State, Federal or other funds to carry out a State, Federal or other program. (*Cf.* 2 CFR §200.93).

V. Technology.

“Means either a good or a service or a combination thereof, that results in a technical method of achieving a practical purpose or in improvements in productivity. Goods may be either new or used.” (*Cf.* State Finance Law §160(10)).

W. Unit of County Government or Unit of Government.

“Means any part of the County Government, including Officers thereof [as well as the Legislature] and any quasi-independent agency, board, commission or committee receiving County funds or on a budgeted basis by appropriation”, unless such unit is required to enact their own Procurement Policy pursuant to New York State law. (Orange County Charter § 1.05(x)).

PART IV. APPLICABILITY OF ethics and conflicts of interest laws and regulations

A. The County Ethics Law¹ and New York State General Municipal Law Article 18 Conflicts of Interest of Municipal Officers and Employees, are applicable to all procurement and funding² activities carried out by County officials, officers, employees and contractors. Conflicts between these two laws shall be resolved pursuant to Section 13 of the County Ethics Law.

B. In addition, for Federally-Funded procurements, 2 CFR §200.318(c) shall be applicable.

PART V. APPLICABILITY OF FUNDING SOURCE REQUIREMENTS

A. Conflicting Requirements

Unless the funding source (i.e. any funds other than County taxation, including but not limited to discretionary, block and entitlement grants) for a procurement requires otherwise, procurements not subject to competitive bidding under General Municipal Law §103 must be made in accordance with this Policy. **If funding source guidelines conflict with this Policy, Contract Administrators should generally use the more stringent requirements (unless prohibited by the other requirements) and, with respect to any questions, confer with the Commissioner and the County Attorney prior to soliciting the procurement.**

B. Federal Funding Requirements

1. For Federally-Funded procurements made on or after January 1, 2018, the County will comply with the procurement standards in 2 CFR Part 200. Procurements prior to that date are subject to the previous federal procurement standards.

¹ Local Law No. 1 of 2017, with Appendix A amended by Resolution No. 293 of 2016 and Resolution No. 350 of 2017.

² Federal Regulations in 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and 2 CFR Part 180 OMG Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) distinguish between “procurement” and “nonprocurement” activities, the latter of which includes grants and subawards, such as a grant received from a federal agency by the County, or a “contract” (which may be considered a “subaward” under 2 CFR §200.92) with a not-for-profit agency to implement a federal program on behalf of a County department. In terms of federal regulations, such a subaward to a not-for-profit would be a “nonprocurement” activity, even though this Policy may require a RFP for issuance of a subaward. The use of “procurement and funding activities” is meant to encompass what are considered “nonprocurement” activities under federal regulations to allow this reference to the applicability of the County Ethics Law and Article 18 of General Municipal Law.

2. In addition to the requirements of any federal award or state subaward for pass-through of federal funding (including, but not limited to, terms and conditions of funding agreements or program regulations), the General Procurement Standards found in 2 CFR §200.318 are applicable to all procurements subject to federal funding, unless exempted from such regulations. For exemptions, refer to the section for the Catalog of Federal Domestic Assistance (“CDFA”) number for the funded program in the applicable annual publication(s) of the Appendix XI Compliance Supplement to 2 CFR Part 200 for information on which federal regulations are applicable to a funded program. The Compliance Supplements are available at:

<https://www.whitehouse.gov/omb/management/office-federal-financial-management/>

3. Pre-Procurement Requirements for Federally-Funded Procurements

When planning a Federally-Funded procurement, in addition to any other guidance in this Policy or the Procurement Manual (See Part XXVI of this Policy), Procuring Agencies must also observe the following guidelines:

- a. Procuring Agencies “must avoid acquisition of unnecessary or duplicative items” (2 CFR §200.318(d));
- b. “Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase” and encourage MWBE and DBE participation, however, breaking out a procurement must NOT be used to circumvent use of the applicable procurement method when applied to the overall spend for that procurement (2 CFR §200.318(d));
- c. Make an analysis of “lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach” (2 CFR §200.318(d));
- d. “To foster greater economy and efficiency, and...promote cost-effective use of shared services,...enter into intergovernmental or inter-entity agreements where appropriate for procurement or use of common or shared goods and services” (2 CFR §200.318(e));
- e. “Use federal excess and surplus property in lieu of purchasing new Equipment and property whenever such use is feasible and reduces contract costs” (2 CFR §200.318(f));
- f. “Use value engineering clauses in contracts for construction project of sufficient size to offer reasonable opportunities for cost reductions” (2 CFR §200.318(g));
- g. Use time and materials contracts only when the requirements of 2 CFR §200.318(j) are met;
- h. When the procurement of an item designated under 40 CFR Part 247 (currently including, but not limited to: paper and paper products, vehicular products, construction products, transportation products, park and recreation products, landscaping products, non-paper office products and miscellaneous products), “exceeds \$10,000, or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000,” the procurement must comply with Section 6002 of the Solid Waste Recovery Act, as amended by the Resource Conservation and Recovery Act, including implementing regulations at 40 CFR Part 247 (2 CFR §200.322). Specifications for such procurements “should contain the highest level of recovered materials practicable, consistent with maintaining a satisfactory level of competition” (2 CFR §200.322). The level of recovered materials specified shall be at least the minimum level for total recovered content noted for that material in the applicable United States Environmental Protection Agency “Product Resource Guide” available here:

<https://www.epa.gov/smm/product-resource-guides-comprehensive-procurement-guideline-cpg-program>

A Product Supplier Directory is available here:

<https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>

However, as always, Procuring Agencies should also forward solicitations to any other potential sources they find through internet research, trade associations or MWBE directories, etc.

For questions on this sourcing requirement, please consult with the Commissioner and the County Attorney.

- i. When a procurement exceeds the SAT, **PRIOR TO SOLICITATION**, the Procuring Agency or the DGS must perform a cost and price analysis, which, at a minimum, should include an independent estimate (2 CFR §200.323(a));
- j. **When a procurement has no price competition (i.e. Federal Noncompetitive Proposal per 2 CFR §200.320(f)) or a cost analysis has been performed (i.e. for procurements in excess of the SAT), profit must be negotiated as a separate element of price per 2 CFR §200.323(b).** This means solicitations must be designed to require profit to be separately indicated in the bid or cost proposal. “To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the [C]ontractor, the [C]ontractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work” (2 CFR §200.323(b)). For questions on profit specification requirements or evaluating and negotiating profit, please consult with the Commissioner.
- k. Costs plus percentage of cost and percentage of construction cost methods of contracting are not permitted (2 CFR §200.323(d)).
- l. Federal awarding agencies or a pass-through entity (i.e. New York State) may require Procuring Agencies to provide specifications, solicitation documents, or independent cost estimates for review **PRIOR TO SOLICITATION** (2 CFR §200.324(a) and (b)). Circumstances in which this may occur are listed in 2 CFR §200.324(b). However, the certifications of procurement systems noted in 2 CFR §200.324(c) **MUST NOT** be undertaken by a Procuring Agency without specific written approval by both the Commissioner and the County Attorney.
- m. Competition in Federally Funded Solicitations
 1. To ensure full and open competition in Federally-Funded procurements (including federal funds received by pass-through from New York State) the following requirements from 2 CFR Part 200 shall apply to solicitations for such procurements:
 - a. Solicitations “must identify all requirements which [potential Contractors] must fulfill and all other factors to be used in evaluating bids or proposals” (2 CFR §200.319(c)(2)).
 - b. Specifications “may include a statement of the qualitative nature of the [Commodity, Equipment, Technology or Service] . . . and, when necessary, must set forth those minimum essential characteristics and standards . . . to satisfy [the] intended use. Detailed product specifications should be avoided if at all possible” (2 CFR §200.319(c)(1)).
 - c. If a Contractor “develops or drafts specifications, requirements, statements of work”, requests for quotes, bids or proposals for a competitive procurement, “that Contractor must be excluded from competing for that procurement” either as a prime contractor or a subcontractor (2 CFR §200.319(a)). However, to the extent permissible under 2 CFR Part 200, this exclusion requirement shall not apply to:
 - i. Procurements subject to Professional Services exemptions, Sole/Single Source procurements, Emergency procurements, or Piggyback procurements; or
 - ii. When the County has obtained Contractor specifications from a website, trade show, publication or similar generally available resource, or a Contractor has furnished, at County request, commonly available standard specifications or information regarding a product or

service they provide, but such Contractor has not been directly requested to write specifications for a solicitation.

2. Per 2 CFR §200.319(a), factors considered to restrict competition include, but are not limited to:
 - a. “placing unreasonable requirements on [potential Contractors] in order to qualify them to do business” (2 CFR §200.319(a)(1));
 - b. “requiring unnecessary experience [or] excessive bonding” (2 CFR §200.319(a)(2)); however, bidders and contractors still must comply with applicable New York State, federal and County bonding requirements;
 - c. “non-competitive pricing practices between [potential Contractors]” (2 CFR §200.319(a)(3));
 - d. “non-competitive contracts to [Contractors] that are on retainer contracts” (2 CFR §200.319(a)(4));
 - e. “organizational conflicts of interest” (2 CFR §200.319(a)(5));
 - f. “specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement” (2 CFR §200.319(a)(6));
 - g. “any arbitrary action in the procurement process” (2 CFR §200.319(a)(7));
 - h. including state, local or tribal geographic preferences unless a federal statute mandates or encourages geographic preference; however, “for architectural or engineering (A/E) services, geographic location may be a selection criterion if this leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract” (2 CFR §200.319(b)); or
 - i. using a prequalification list which is not current, “does not include enough qualified sources to ensure maximum open and free competition”, or prohibits potential Contractors from qualifying during a solicitation from the list (2 CFR §200.319(d)).

PART VI. PREFERRED SOURCE PROCUREMENT

A. As required by New York State Finance Law §162, except in emergency situations, if the necessary Commodities, Equipment, Technology or Services are available from a Preferred Source provider in the form, function and utility required by the Procuring Agency; the Commodities, Equipment, Technology or Services must be purchased from one of the Preferred Source providers in accordance with the current version of the “NYS Procurement Bulletin, Preferred Source Guidelines” (the “Guidelines”) which are maintained by the New York State Procurement Council and available here:

<https://www.ogs.ny.gov/procurecounc/pdfdoc/psguide.pdf>.

B. Procuring Agencies should consult the Guidelines for current Preferred Source procurement procedures as well as any additional guidance materials provided by the New York State Office of General Services (“OGS”), such as the “List of Preferred Source Offerings” currently made available through a hyperlink in the Guidelines. General reference information from OGS pertaining to Preferred Source procurement is available here:

<https://nyspro.ogs.ny.gov/content/buying-preferred-source-0>.

C. PRIOR TO SOLICITATION THROUGH ANY OTHER PROCUREMENT METHOD OR FROM ANY OTHER SOURCE, all procurements must be checked against the current List of Preferred Source Offerings, (always check the URL in Subpart B of this Part VI for an update), and follow the process under the Guidelines applicable to the procurement type.

D. New York State laws and regulations governing Preferred Source procurement (including, but not limited to, New York State Finance Law §162 and 9 NYCRR Part 250) shall control over any conflicting provisions in this Policy.

E. All questions concerning Preferred Source procurement should be directed to the Commissioner and the County Attorney.

PART VII. Determining Whether a Procurement is Subject to Competitive Bidding

A. Reasonably Expected Countywide Aggregates

1. Before any solicitation occurs, Contract Administrators need to first determine whether the intended procurement is subject to competitive bidding under General Municipal Law §103. Competitive bidding is required if the reasonably expected **countywide** aggregate expenditure will exceed the threshold amounts of \$20,000 for Purchase Contracts (See Part VIII of this Policy) or \$35,000 for Public Work (See Part IX of this Policy) within 12 months of the date of the procurement.

2. Under General Municipal Law §103(1), aggregates must be examined as follows:

Contract Administrators must determine the reasonably expected countywide aggregate amount of all purchases of the same or similar Commodities, Equipment, Technology or Services whether from the same or different Contractor, that will be made within 12 months of the date of the procurement. This means that if your department is purchasing janitorial services (a Purchase Contract for Building Service Work) for \$5,000 on October 13, you need to evaluate whether it is reasonably expected that the entire County will purchase over \$20,000 in janitorial services within 12 months of October 13 or if such amount has been exceeded for these services in the 12 months prior. If it is reasonable to expect the countywide aggregate purchase of all in janitorial services will exceed \$20,000, the \$5,000 in janitorial services for your department must be competitively bid pursuant to General Municipal Law §103.

B. Aggregate Determination

Artificial division of procurements to avoid the competitive bidding thresholds is prohibited by General Municipal Law §103(1). While it is not easy to examine or guarantee the accuracy of aggregates, the following methods may be useful:

1. Reviewing past use of that Commodity, Equipment, Technology or Service, both from general knowledge and by querying the NIGP code in Oracle;
2. Conferring with the Commissioner and/or staff in departments that are known to use similar Commodities, Equipment, Technology or Services to determine their reasonably expected procurements for the 12 months before or after your purchase; or
3. Noting grant awards or significant projects in other departments (e.g. when they appear in newspapers or the County website or are announced in Department Head, legislative or other meetings) that may involve purchases that could be similar to yours.

PART VIII. PURCHASE CONTRACT PROCUREMENT

A. General Provisions for Purchase Contract Procurements

The following guidelines apply to all Purchase Contract procurements, whether via contract or purchase order, when the procurement is not an emergency and cannot be made through a Preferred Source or other procurement method authorized under this Policy.

For Purchase Contracts with a Procurement shall be made as follows:
reasonably expected countywide

aggregate expenditure within 12 months of the date of the procurement in the amount of:

Federally-Funded

For Federally-Funded procurements, the applicable procurement method, in accordance with 2 CFR §200.320 and this Policy must be used. See Part III(H)-(M) and Part V of this Policy for additional information.

\$0 – \$10,000.00

For Commodities, Equipment, and Technology, at the discretion of the Commissioner, and **for Services**, (all including Federal Micro-Purchases or Federal Small Purchases) at the discretion of the Department Head of the Procuring Agency.

\$10,000.01 – \$19,999.99

Procuring Agencies shall submit the proposed procurement method(s) to the Commissioner for approval **prior to solicitation**. Procurement methods may include soliciting written quotes from at least three (3) separate potential Contractors, if available; or alternative procurement methods, including, but not limited to, Preferred Source, Piggybacking, Sole/Single Source or Emergency Procurement in accordance with applicable provisions of this Policy or otherwise lawfully available pursuant to Part II(B)(2) of this Policy.

\$20,000.00 and up

By sealed competitive bids issued by the Commissioner in conformance with General Municipal Law §103 or via Best Value in conformance with Part XVI of this Policy. As Federal Small Purchase procedures in 2 CFR §200.320(b) are less stringent, Procuring Agencies must use the General Municipal Law §103 or Best Value procedures, as applicable, for any Federal Small Purchases falling into this procurement cost range.

PART IX. PUBLIC WORK PROCUREMENT

A. General Provisions for Public Work Procurements

The following guidelines apply to all Public Work procurements, whether via contract or purchase order, when the procurement is not an emergency and cannot be made through a Preferred Source or other procurement method authorized under this Policy.

For Public Works with a reasonably expected countywide aggregate expenditure within 12 months of the date of the procurement in the amount of:

Procurement shall be made as follows:

Federally-Funded

For Federally-Funded procurements, the applicable procurement method, in accordance with 2 CFR §200.320(c) and this Policy must be used. See Part III(H)-(M) and Part V of this Policy for additional information.

\$0 – \$10,000.00

At the discretion of the Department Head of the Procuring Agency.

\$10,000.01 – \$34,999.99

Procuring Agencies shall submit the proposed procurement method(s) to the Commissioner for approval **prior to solicitation**. Procurement methods may include soliciting written quotes from at least three (3) separate potential Contractors, if available; or alternative procurement methods, including, but not limited to, Preferred Source, Piggybacking, Sole/Single Source or Emergency Procurement in accordance with applicable provisions of this Policy or otherwise lawfully available pursuant to New York State Law or Part II(B)(2) of this Policy.

\$35,000.00 and up

By sealed competitive bids issued by the Commissioner in conformance with General Municipal Law §103. As Federal Small Purchases procedures in 2 CFR §200.320(b) are less stringent, Procuring Agencies must use the aforementioned General Municipal Law §103 procedures for any Federal Small Purchases falling into this procurement cost range.

B. Wicks Law Requirements

1. Solicitations for Public Work under the General Municipal Law §101 threshold amount (presently \$500,000), but may be revised pursuant to any State Law) involving a scope of work including a) plumbing and gas fitting; b) steam heating, hot water heating, ventilating and air conditioning apparatus; or c) electric wiring and standard illuminating fixtures, **MUST REQUIRE THE BIDDERS TO SUBMIT A SEPARATE SEALED LIST WITHIN THEIR SEALED BID** with the names and pricing for any subcontractor(s) that will perform Public Work in any of the trades specified above. This separate sealed list shall be opened for only the apparent low bidder, unless that bidder is declared non-responsive or non-responsible, in which case the Procuring Agency shall open the sealed list for the next apparent low bidder and so on.
2. Pursuant to Labor Law §222, contracts subject to Project Labor Agreements are not required to be bid using Wicks Law formatted specifications.

PART X. PROFESSIONAL SERVICES PROCUREMENT

A. Determination of Professional Services

1. Professional Services are defined in New York case law and Comptroller opinions. As a general guideline, Professional Services require specialized or technical skills or expertise, training, licensing or certifications, exercise of judgment or discretion, a high degree of creativity and/or a relationship of personal trust and confidence. Some examples of Professional Services include, but are not limited to, Services provided by: physicians, nurses, therapists, engineers, surveyors, attorneys, artists, designers, photographers, publicity agents, laboratories, and insurance or financial service firms.

2. Procurements that involve both the acquisition of Professional Services and other Services, Commodities, Equipment or Technology (e.g. Equipment or computer software that needs to be customized for the County) do not require competitive bidding if there is an "inextricable integration" between the professional services and the Commodities, Equipment, Technology or other Services required for the procurement. (e.g. design work with printing or installation and maintenance of a security system) (*See, Emergency Services Marketing Corp., Inc. v. County of Orange, et al.* (Supreme Ct., Orange County, December 5, 2017); *Burroughs Corp. v. New York State Higher Education Services Corp.*, 458 N.Y.S.2d 702 (3 Dept. 1983); *Doyle Alarm Co., Inc. v. Reville*, 410 N.Y.S.2d 466 (4 Dept. 1978)). To determine whether the procurement is subject to competitive bidding, one factor to consider is whether the other, so-called, "non-professional" Services, Commodities, Equipment or Technology are predominant or merely incidental. Consult with the Commissioner and the County Attorney to determine whether something is a Professional Service or not.

B. Solicitation of Professional Services³

Unless exempted under Part X(C); the following guidelines apply to all Professional Services procurements, whether via contract or purchase order, when the procurement is not an emergency and cannot be made through a Preferred Source or other procurement method authorized under this Policy:

For Professional Services when an individual Procuring Agency estimates an overall expenditure for a type of service, over the life of the purchase order or contract for such service, of:

Procurement, whether via contract or purchase order, shall be made as follows:

Federally Funded

For Federally-Funded procurements (including federal Procurements funds received by pass-through from New York State), the applicable procurement method, in accordance with 2 CFR §200.320(c) and this Policy must be used. See Part II(H)-(M) and Part V(B) of this Policy for additional information.

\$0 - \$25,0000

At the discretion of the Department Head of the Procuring Agency.

\$25,0001 – \$99,999.99

Procuring Agencies shall submit the proposed procurement method(s) to the Commissioner for approval **prior to solicitation**. Procurement methods may include soliciting written quotes from at least three (3) separate potential Contractors, if available; or alternative procurement methods, including but not limited to, Preferred Source, Piggybacking, Sole/Single Source or Emergency Procurement in accordance with applicable provisions of this Policy or otherwise lawfully available pursuant to New York State Law or Part II(B) of this Policy.

\$100,000 and up

The Procuring Agency must issue a Request for Proposals ("RFP") through DGS (unless the Commissioner approves issuance by the Procuring Agency directly) that, at a minimum, requires submission of pricing and qualifications by potential service providers.

C. Exemptions from Solicitation for Professional Services

1. Certain types of Professional Services may be exempt from the solicitation process upon approval of the Commissioner. Such an exemption might apply to purchase orders or contracts for Services with set rates for classes of Contractors or for contracts where the County was mandated to use certain Contractors by State or Federal laws, regulations or grant requirements. Examples of such purchase orders or contracts include, but are not limited to, the examples listed below:

IMPORTANT NOTE: In the case of Federally-Funded purchase orders, contracts or subawards, Professional Services exemptions are only allowable to the extent permissible under any applicable requirements of 2 CFR Part 200, other applicable terms and conditions of a funding agreement, or regulations applicable to the funding agency:

- a. Purchase orders or contracts with Early Intervention Providers and Pre-School Service Providers certified by the State;

³ As amended by Resolution No. 193 of 2013, effective September 6, 2013, which increased the threshold for Department Head discretion from \$5,000.00 to \$10,000.00 and increased the threshold for written quotes from \$34,999.99 to \$74,999.99, and by Resolution No. 272 of 2017, which increased the threshold for department head discretion from \$10,000.00 to \$25,000.00 and increased the threshold for written quotes from \$74,999.99 to \$100,000.00.

- b. Purchase orders or contracts with third-party agencies hired by the State to pass-through funds for or to implement certain Federal or State programs;
- c. Purchase orders or contracts with properly credentialed Foster Care and Adoption agencies;
- d. Purchase orders or contracts at rates set by federal, state or local agencies (including the County), statute, regulation, or agency guidance, including, but not limited to, the Centers for Medicare and Medicaid Services;
- e. Purchase orders, contracts, subgrants, inter-municipal and similar agreements for Professional Services provided in relation to a State or Federal grant for which the County is the responsible Grantee and the contracted party was identified in the grant or is required to be identified in a plan or other document that must be submitted for mandatory approval by a State or Federal funding entity;
- f. Purchase orders or contracts for the placement of specific advertisements or public service announcements, or a series thereof (including, but not limited to: print, radio, billboards, television or internet advertising), but excluding purchase orders or contracts for general consulting related to advertising and promotional services;
- g. Federally-funded purchase orders or contracts or subawards with providers of employment and training services, or for wage reimbursements, including, but not limited to: On the Job Training Agreements (OJT), Individual Training Accounts (ITAs) for Tuition Reimbursement Agreements, One Stop Provider Agreements, and Summer Youth Employment Program (SYEP) Worksite Agreements;
- h. Purchase orders or contracts for which New York State Office of Mental Health guidance prohibits solicitation or re-solicitation;
- i. Purchase orders or contracts for court transcripts;
- j. Agreements with not-for-profit corporations and other organizations that advance or promote the health, safety and welfare of the people of Orange County. When more than one such organization provides the same Professional Services, as determined by the Commissioner, then such funding agreement may be subject to a Request for Applications or Qualifications;
- k. Purchase orders or contracts with former employees for transitional consulting;
- l. Purchase orders or contracts for emergency, transitional and supportive housing or beds;
- m. Purchase orders or contracts to implement a program that is jointly funded by the County and an outside agency or entity (i.e., a program in which both the County and/or the outside agency or entity contributes funding or in-kind Services); or
- n. Purchase orders or contracts for existing projects that require the continuity of Professional Services to ensure proper completion of the project.

2. To the extent the Procuring Agency determines the same is exempt based on a-i above, the Procuring Agency may proceed to purchase order or contract without solicitation. Standing justifications for purchase orders or contracts exempt based on a-i above will be kept on file by the Commissioner. All requests for exemptions, except those based on a-i above, require that the Procuring Agency provide written justification in accordance with Part XXII(C) of this Policy to the Commissioner, for review and approval and the Procuring Agency shall maintain the request and approval or denial in the Procurement Record.

PART XI. SOLE OR SINGLE SOURCE PROCUREMENT

A. General Provisions for Sole or Single Source Procurement

1. Sole or Single Source Procurement is an exception to the general rules and policies stated herein, governing the procurement of Commodities, Equipment, Technology and/or Services. Sole or Single Source Procurement may only be used in rare and extraordinary cases where the Commodities, Equipment, Technology or Services sought and required are manufactured, sold or performed by only one entity and/or individual. Sole Source procurements occur when there is only one entity that manufactures a certain good or provides a certain service. Single Source procurements occur when there may be more than one supplier of goods or provider of services but the goods or services may only be obtained from a single entity due to, for example, distribution territory controls set by a manufacturer. Generally, Sole or Single Source Procurements exemptions may apply in the following situations:

- a. Only one company in the world makes and sells a unique good or provides a unique service.
- b. Only one company in this territory can service or maintain the Equipment without voiding the warranty. (Note: This only applies during the warranty period, so a Sole or Single Source exemption cannot be granted after warranty expiration. After warranty expiration, repairs and maintenance must be obtained using the appropriate procurement method under this Policy.)
- c. When a certain type of consumable component (e.g. ink cartridges) must be used to avoid breaching a warranty or a maintenance provision of an equipment lease.
- d. It is a service performed by companies that traditionally have territories (e.g., cable television or certain types of Equipment dealerships).
- e. Software support, licensing, or maintenance (S/L/M) purchase orders or contracts specific to software already in use.

2. **For Federally-Funded sole or single source procurements**, Federal Noncompetitive Proposal procedures per 2 CFR §200.320(f) must be met and noted in the justification required by Subpart (B) of this Part XI.

B. Sole or Single Source Procurement Exemptions

1. In determining whether a purchase qualifies for a Sole or Single Source exemption, the Procuring Agency must submit to the Commissioner, a brief written explanation of the procurement and need therefore, including any relevant information on related purchase orders or contracts (e.g., dates, costs, initial procurement method) and then provide an explanation for each of the following three points (See Opns St Comp, 1986 No. 86-25):

- a. The unique benefits to the County of the Commodity, Equipment, Technology, or Service (including Professional Services and Public Works) as compared to other Commodities, Equipment, Technology or Services available in the marketplace;
- b. That no other Commodity, Equipment, Technology or Service provides substantially equivalent or similar benefits and there is no possibility of competition from competing dealers or distributors; and
- c. That, considering the benefits received, the cost of the Commodity, Equipment, Technology or Service is reasonable.

2. No Sole or Single Source purchase will be approved by the Commissioner, without:

- a. written justification from the Procuring Agency responding to points (a) through (c) above; and

- b. supporting documentation on the letterhead of the entity providing the Commodity, Equipment, Technology or Service explaining why they are the Sole or Single Source provider.

PART XII. EMERGENCY PROCUREMENT

A. General Municipal Law §103(4) defines a "public emergency [as] arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants [of the County] require immediate action which cannot await competitive bidding or competitive offering". Procurements normally subject to the competitive bidding or best value requirements of General Municipal Law §103, or other competitive solicitation requirements under this Policy, are exempt from such requirements in public emergencies.

B. However, when practicable, as determined by the Department Head requesting the emergency procurement, efforts should be made to obtain three (3) written quotes or, if not practicable, three (3) verbal quotes. Procurements in emergency circumstances should be justified in writing by the Department Head of the Procuring Agency and approved in writing by the County Executive.

PART XIII. LEASES

Unless otherwise required by the Commissioner, True Leases of Commodities, Equipment, Technology or Services require solicitations from at least three (3) separate potential Contractors, if available. True Leases include leases that do not contain or refer to installment plans, purchase options or otherwise result in the ownership of the leased Commodity, Equipment, Technology or Service at the expiration of the lease. Please consult with the County Attorney to determine whether something is a True Lease.

PART XIV. SURPLUS PROCUREMENT

Pursuant to General Municipal Law §103(6), "[s]urplus and second-hand supplies, material or equipment may be purchased without competitive bidding or competitive offering from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation."

PART XV. piggyback Procurement methods

The following "piggyback" procurement methods are available to Procuring Agencies pursuant to the laws cited. "Piggybacking" refers to use of, or participation in, a purchase order or contract let by another entity. Requirements for each piggyback method may be noted in the actual law; related regulations; additional agency, entity or contract guidance; or in an applicable subdivision of this Policy.

A. General Municipal Law §103(1-b) or §104(2) – GSA Contracts

This piggybacking method allows certain procurements, through certain federal General Services Administration (GSA) schedules, as specified in General Municipal Law §103(1-b) or §104(2), and otherwise in compliance with any applicable requirements of federal or New York State law or regulation or GSA guidance pertaining to the use of such a contract.

B. General Municipal Law §103(3) – Other New York County Purchase Orders or Contracts

This piggybacking method allows Procuring Agencies "to make purchases of material, equipment or supplies, or to contract for services...through any county within the state", except for Building Service Work purchase orders or contracts, which are specifically excluded from this authorization. Additionally, since prevailing wages are set by county, to use a Public Work purchase order or contract from another county, the prevailing wages in that purchase order or

contract must be equal to or greater than those applicable in Orange County. "Prior to making such purchases or contracts" the Department Head of the Procuring Agency shall document for the Procurement Record whether the procurement "will result in cost savings after all factors, including charges for service, material, and delivery have been considered" (General Municipal Law §103(3)).

C. General Municipal Law §103(8) – Group Purchasing Organizations

This piggybacking method is available to Procuring Agencies which qualify as a municipal hospital or nutrition program pursuant to General Municipal Law §103(8). Prior to the Commissioner authorizing the use of group purchasing organization contracts or arrangements by a Procuring Agency, group purchasing organizations, and the contracts or arrangements maintained thereunder, shall be vetted for compliance by the Commissioner and the County Attorney.

D. General Municipal Law §103(16) – Other Governmental Purchase Orders or Contracts⁴

1. This piggybacking method allows "purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with [General Municipal Law §103(16)] and made available for use by other governmental entities" (General Municipal Law §103(16)).

2. This is the Piggybacking method addressed in the July 2016 State of New York, Office of State Comptroller Memo To: Chief Fiscal Officers, Subject: New "Piggybacking Law – Exception to Competitive Bidding (updated) (the "Piggybacking Memo"). Procuring Agencies shall comply with the provisions of General Municipal Law §103(16) and the guidance set forth in the "Piggybacking Memo".

3. Additionally, under this piggybacking method, National Cooperative contracts held by "leading agencies" which are governmental entities may be authorized for Procuring Agencies' use by the Commissioner in consultations with the County Attorney.

4. A caveat to this procurement method is that General Municipal Law §103(1) excludes purchase orders or contracts for Public Work from best value procurement. Additionally, since prevailing wages are set by county, to use a purchase order or contract involving Building Service Work, the wages paid under that purchase order or contract must be equal to or greater than the applicable prevailing wage for that labor classification in Orange County.

E. General Municipal Law §104 – New York State Purchase Orders or Contracts

This piggybacking method allows Procuring Agencies "to make purchases [in excess of \$500] of commodities, materials, equipment, technology, food products, supplies or services available pursuant to [State Finance Law §163],...through the [New York State] Office of General Services or any other department or agency of the state subject to rules promulgated pursuant to article eleven of the [S]tate [F]inance [L]aw" (General Municipal Law §104).

F. General Municipal Law 104-b – Other Governmental Purchase Orders or Contracts

1. Any procurement not subject to competitive bidding or best value requirements under General Municipal Law §103(1), if not otherwise prohibited pursuant to New York State or federal law or regulation, may be made pursuant to a purchase order or contract of the United States or any agency thereof, any state, or any other political subdivision or district therein ("Government Entity" or, collectively, "Government Entities"), if such purchase order or contract has

⁴ Added by Resolution No. 168 of 2013, dated August 1, 2013, effective as of that date and amended and reaffirmed by Resolution No. 242 of 2015 and Resolution No. 272 of 2017.

been made available for use by other Government Entities and was let in a manner consistent with the applicable requirements of this Policy in:

- a. Part VIII for Purchase Contract expenditures below the competitive bidding threshold;
 - b. Part IX for Public Work expenditures below the competitive bidding threshold;
 - c. Part X for Professional Services regardless of threshold;
 - d. Part XI for Sole or Single Source Procurements;
 - e. Part XII for Emergency Procurements; or
 - f. Part XIII for Leases.
2. Purchase orders or contracts that may be used, pursuant to this Part XV(F) shall also include, but not be limited to, National Cooperative contracts whether or not held by “lead agencies” which are Government Entities, that have been authorized for Procuring Agencies’ use by the Commissioner in consultation with the County Attorney.

3. A caveat to this procurement method is that General Municipal Law §103(1) excludes purchase orders or contracts for Public Work subject to General Municipal Law §103(1) from best value procurement so use of this method when any Public Work is involved, must be below the competitive bidding threshold for Public Work and therefore not subject to General Municipal Law §103(1). Additionally, since prevailing wages are set by county, to use a purchase order or contract involving Public Work or Building Service Work, the wages paid under that purchase order or contract must be equal to or greater the applicable prevailing wage for that labor classification in Orange County.

PART XVI. BEST VALUE⁵

1. Pursuant to General Municipal Law § 103(1) Purchase Contracts may be awarded based on Best Value, to “the Offeror which optimizes quality, cost and efficiency, among responsive and responsible [O]fferors” (State Finance Law §163(1)(j)).

2. Best Value solicitations shall prescribe the minimum specifications or requirements that must be met to be considered responsive and shall describe and disclose the method by which the evaluation and selection shall be conducted.

3. The Basis of Award of the Best Value “solicitation shall identify the relative importance and/or weight of the cost and the overall technical criteria to be considered by a [Procuring Agency] in its determination of [B]est [V]alue” (State Finance Law §163(1)(j)). The evaluation may also identify a quantitative factor for [potential Contractors] that are small businesses, certified Minority- or Women-owned business enterprises, as defined in [Executive Law §310 (1), (7), (15) and (20)] or certified service-disabled veteran-owned business enterprise as defined in [Executive Law §369-h(1)]” (State Finance Law §163(1)(j)). The “Basis [of Award] shall reflect, wherever possible, objective and quantifiable analysis” (State Finance Law §163(1)(j)). “Documentation in the Procurement Record shall, where practicable, include a quantification of the application of the [evaluation] criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that Best Value will be achieved” (State Finance Law §163(9)(a)).

4. All procurements based upon Best Value shall be approved by the Commissioner in consultation with the County Attorney.

⁵ Added by Local Law No. 12 of 2013 and effective as of its filing with the Secretary of State on September 3, 2013 and Resolution No. 168 of 2013, amended and reaffirmed by Resolution No. 242 of 2015 and Resolution No. 272 of 2017.

**PART XVII. USE OF COUNTY purchase orders and CONTRACTS BY OTHER LOCAL GOVERNMENTS, SCHOOL DISTRICTS
and certain not-for-profit corporations**

A. Any officer, board or agency of a New York state political subdivision, fire company, district, or not-for-profit corporation, as respectively authorized by General Municipal Law §103(3), §103(16), or §109-c or County Law §408-a(2), to make purchases of materials, equipment or supplies, or contract for services, may make such purchases through County purchase orders or contracts, with the exception of purchase orders or contracts exempted under the aforementioned statutes or excepted by the terms and conditions of the purchase order or contract.

B. The following rules govern such procurements through County purchase orders or contracts.

1. The Commissioner may make available through their webpage award information on County purchase orders or contracts that may be used by other political subdivisions, districts, or not-for-profit corporations.

2. Other political subdivisions, districts, or not-for-profit corporations shall issue purchase orders directly to the Contractor, within the specified purchase order or contract term, referencing the County's purchase order or contract and shall be solely liable and responsible for all payments due under the purchase order or contract for their use of the purchase order or contract. The County shall not be liable or responsible for any costs, expenses, fees or debts incurred by the other users of a County purchase order or contract.

3. All purchases by political subdivisions, districts or not-for-profit corporations shall be subject to audit and inspection by and at the discretion of the County.

4. The County's solicitation documents for any purchase order or contract that may be used by other political subdivisions, districts, or not-for-profit corporations must contain a provision alerting all Bidders or Offerors that the purchase order or contract may be used by others and stating whether the use of that contract by others is a mandatory requirement for award of the purchase order or contract.

5. Necessary deviations from the County's specifications in the terms of a purchase order or contract, whether such deviations relate to quantities or delivery points, shall be resolved between the Contractor and the other political subdivision, district, or not-for-profit corporation. However, at no time shall any change to price and product specification be permitted, except where an item has been replaced by another item due to obsolescence or pricing is contingent on an outside factor (e.g. fuel at market rates) pursuant to the terms of the purchase order or contract, and/or the Contractor offers reduced pricing to any participant, which then must be made immediately available to all participants. If a product specification requires modification due to obsolescence, the County must approve a change of product in writing in order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be lower than the originally awarded price. Any reduced pricing shall be applicable to all other participants' quantities ordered on and after the date such reduced pricing became effective for the initial participant receiving such pricing.

PART XVII. BONDING REQUIREMENTS

A. Bid Bonds

1. At the discretion of the Commissioner, if the average annual budget of a procurement is estimated at \$50,000, or more, or the cost and/or complexity of the preparation of a solicitation merits the precaution of Bid Security, a Bid Bond, irrevocable letter of credit, bank check or certified check may be required.

2. However, for Federally-Funded construction or facility improvement contracts or subcontracts exceeding the SAT, bid security in the amount of five percent (5%) of the bid price is required per 2 CFR §200.325(a).

B. Payment Bonds

1. In accordance with State Finance Law §137, and as required to effectuate the purposes of New York State Lien Law §5, all purchase orders or contracts for public improvements, including, but not limited to Public Work, (See *Davidson Pipe Supply Co., Inc. v. Wyoming County Industrial Development Agency*, 85 NY2d 281 (Ct. App. 1995) and New York State Lien Law) require a Payment Bond or irrevocable letter of credit for the value of the Services to be performed or Commodities, Equipment or Technology to be supplied. For “as needed” purchase orders or contracts an estimated base amount may be required for an initial bond and such amount shall be adjusted as necessary during the term of the purchase order or contract to reflect the value of the Services to be performed or Commodities, Equipment or Technology to be supplied.

2. At the discretion of the Commissioner, for procurements with an average annual budget of \$100,000 or more that involve Commodities, Equipment, Technology or Services of significant value, to be performed or supplied by other than the contracted party, a Payment Bond may be required.

3. However, for Federally-Funded, construction or facility improvement contracts or subcontracts exceeding the SAT, a performance bond in the amount of one hundred percent (100%) of the bid price is required, per 2 CFR §200.325(c).

C. Performance Bonds

1. At the discretion of the Commissioner, for procurements with an average annual budget of \$100,000 or more, a Performance Bond or irrevocable letter of credit may be required.

2. However, for Federally-Funded (construction or facility improvement contracts or subcontracts exceeding the SAT, a performance bond in the amount of one hundred percent (100%) of the bid price is required per 2 CFR §200.325(b).

D. Maintenance Bonds

In addition to any guarantees or warranties specified in a purchase order or contract for Public Work or Building Service Work, the Commissioner, in consultation with the Department Head of the Procuring Agency, may require a Maintenance Bond or irrevocable letter of credit in an appropriate amount to ensure the maintenance or repair of any work for one or more years following the completion of such work.

PART XIX. MWBE/DBE REQUIREMENTS

All solicitations shall be performed, and purchase orders or contracts prepared, in compliance with all applicable New York State or federal laws, regulations, grant requirements and County policies and procedures governing and/or relating to Minority- or Women-Owned Business Enterprises (“MWBE”) and/or Disadvantaged Business Enterprises (“DBE”). MWBE and DBE procurement goals are specific to each funding source and Procuring Agencies must comply with the requirements of each funding source. If there is a conflict between the requirements of a funding source and the County policy, the more stringent requirements shall control. The County MWBE Policy is maintained by the Commissioner. County DBE policies are currently maintained by to the Procuring Agencies funded by grants through the United States Department of Transportation or units thereof, which may include “pass-through” grants from New York State agencies.

PART XX. PROCUREMENT LOBBYING

A. Solicitation Requirements and Contacts During the Restricted Period

1. State Finance Law §139-j prohibits “Contacts” (verbal, written or electronic as defined in State Finance Law §139-j(1)(c)) that a reasonable person would infer are “intended to influence the County’s conduct or decision regarding [a] “Governmental Procurement” (as defined in State Finance Law §139-j(1)(e))” during the “Restricted Period” (as defined

in State Finance Law §139-j(1)(f). This period begins when the earliest written notice, advertisement or solicitation for a procurement occurs and ends when the final purchase order or contract is awarded and approved.

2. A Governmental Procurement involves a "Procurement Contract" which is a procurement involving an estimated annualized expenditure in excess of \$15,000 "including any amendment, extension, renewal or change order (other than amendments, extensions, renewals or change orders that were authorized and payable under the terms of the original [purchase order or] contract" (as defined in State Finance Law §139-j(1)(g). This includes all Commodities, Equipment, Technology and Services purchase orders or contracts as well as the sale, lease, acquisition or granting of an interest in real property and revenue contracts where the County is granting a concession or franchise. (State Finance Law §139-j(1)(b) and (i) and §139-k(1)(b) and (i)). Grants, intergovernmental agreements and utility relocation project agreements, among other statutory exceptions, are not considered Procurement Contracts (State Finance Law §139-j(1)(g) and §139-k(1)(g)).

3. Every solicitation for a Procurement Contract, must designate a person or persons in the Procuring Agency who may be contacted by Offerors or Bidders in relation to the Procurement Contract (State Finance Law §139-j(2)(a)).

4. The following types of contacts are permissible exceptions during the Restricted Period (State Finance Law §139-j(3)(a)):

- a. Submissions of Quotes, Proposals or Bids "or other response from [O]fferors intending to result in a permanent [purchase order or] contract;
- b. Questions submitted for question and response under the solicitation;
- c. Participation in "a demonstration, conference, or other means of exchange of information in a setting open to all potential [Offerors or] Bidders";
- d. Complaints to the County Attorney that the designated individual of the Procuring Agency has failed to respond in a timely manner to authorized contacts;
- e. Negotiation of purchase orders or contracts with Offerors or Bidders who have been "notified of a tentative award";
- f. Offerors or Bidders contacting the designated individual(s) to request review of an award;
- g. "Contacts by Offerors [or Bidders] in protests, appeals or other review proceedings' or, "complaints of alleged improper conduct" to the County Attorney, District Attorney or Office of the State Comptroller;
- h. Communications "that solely address the determination of responsibility" of an Offeror or Bidder; and
- j. Communications with Preferred Sources.

5. Every solicitation for a Procurement Contract, (as defined in Part XX(A)(2) of this Policy), must include a summary of the policy and prohibitions regarding permissible contacts, a copy of any guidelines, rules and regulations regarding permissible contacts, and must also require a written affirmation from the Offeror or Bidder as to their understanding of an agreement to comply with the County's procedures relating to permissible contacts. See State Finance Law §139-j(6)(a) & (b).

6. Every solicitation for a Procurement Contract must also require Bidders or Offerors to disclose findings of non-responsibility, within the previous four years, by any governmental entity where the prior finding of non-responsibility was due to violation State Finance Law §139-j or the intentional provision of false or incomplete information to a governmental entity (State Finance Law §139-k(2)). Furthermore, each Procurement Contract awarded must also require Bidders or Offerors to certify that all information provided with respect to this disclosure requirement is "complete, true and accurate". (State Finance Law §139-k(5)). Each Procurement Contract must also contain a provision authorizing the

Government Entity to terminate the Procurement Contract in the event such certification is found to be intentionally false or incomplete.

7. For any Contact during the Restricted Period, the Procuring Agency must “obtain the name, address, telephone number, place of principal employment and occupation of the person or organization making the Contact and inquire and record whether the person or organization making such contact [is a Bidder or] Offeror or was retained, employed or designated by or on behalf of [a Bidder or] Offeror to appear before or contact the [Procuring Agency] about the procurement. All such Contacts must be included in the Procurement Record (State Finance Law §139-k(4)). However, any communications received by a Procuring Agency “from members of the [New York] State legislature, or [New York State] legislative staff, when acting in their official capacity, shall not be considered a Contact...and shall not be recorded by [the Procuring Agency]” (State Finance Law §139-k(6)).

B. Violations and Investigations

1. “Any officer or employee of [the County] who becomes aware that [a Bidder or] Offeror has violated [the restrictions on] permissible contacts shall immediately notify the [Director of Operations and Cost Control in the Office of the County Executive,] Ethics Officer, Inspector General, if any, or other official of the Government Entity responsible for reviewing or investigating such matters” (State Finance Law §139-j(8)).

2. “Upon notice of any allegation of a violation of the [Restricted Contacts] provisions...with regard to permissible Contacts on Governmental Procurements, the [person notified who is] [responsible for reviewing or investigating such matters shall immediately investigate such allegation to be initiated and, if sufficient cause exists to believe it is true, shall give the [Bidder or] Offeror reasonable notice that an investigation is ongoing and an opportunity to be heard in response to the allegation” (State Finance Law §139-j(10)(a)).

3. If a violation is found to be knowing and willful, the Bidder or Offeror shall be deemed non-responsible and the person notified under this provision (B) shall notify the New York State Office of General Services of any such finding of non-responsibility (State Finance Law §139-j(10)(b)).

4. In the event of a knowing and willful violation, the person notified under this subpart XX(B) shall report the employee's violation of this Policy and procedures to the County Executive (State Finance Law §139-j(10)(c)).

PART XXI. RESPONSIBILITY DETERMINATIONS

A. Responsive and Responsible

1. Prior to the award of a purchase order or contract, the Procuring Agency must determine that the intended awardee is responsible and responsive, in accordance with any guidance or requirements established in this Policy or the Procurement Manual.

2. Responsive Bidder or Offerors are those that meet the minimum specifications or requirements set forth in the solicitation for the procurement (See State Finance Law §163(d)). Non-responsive Bids or Offers do not need to be considered for award.

3. Responsible Bidders or Offers are those having the financial ability, legal capacity, integrity, technical resources, and past performance, including compliance with public policy, to provide the Commodities, Equipment, Technology or Services required (See State Finance Law §163(c) and 2 CFR §200.318(h)). Bidders or Offerors who do not meet these standards may be declared non-responsible. Before declaring a Bidder or Offeror non-responsible, the Procuring Agency, in consultation with the Commissioner and the County Attorney, must provide the Bidder or Offeror notice that he or she may be declared non-responsible and an opportunity to be heard in accordance with procedures for all such hearings by any Procuring Agency as established by the Commissioner and approved by the County Attorney and County Executive.

B. Federally-Funded Purchase Orders and Contracts

1. In addition to the requirements of Part XXI(A) of this Policy, for Federally-Funded awards to Contractors or Subrecipients, prior to award, Procuring Agencies must screen Contractors and Subrecipients for debarment and suspension, as applicable, pursuant to 2 CFR §200.213.

2. For subawards of federal funds, prior to award, the Procuring Agency must “evaluate each Subrecipient’s risk of noncompliance” in accordance with 2 CFR §200.331(b), “which may include consideration of such factors as”:

- a. prior experience with same or similar subawards;
- b. results of previous audits;
- c. whether the subrecipient has new personnel or new or substantially changed systems;
- d. the extent and results of federal awarding agency monitoring.

PART XXII. AWARD and modification OF PURCHASE ORDERS, CONTRACTS and subawards

A. Compliance with Basis of Award

All awards must be made in accordance with the evaluation criteria (i.e. “Basis of Award”) specified in the solicitation document. Failure to follow the requirements for the Basis of Award may lead to the invalidation of any resulting purchase order or contract.

B. Authority to Award

With the exception of the Legislature's authorization to "obtain and employ professional and technical assistance and advice" pursuant to §2.02(q) of the Orange County Charter; the Commissioner has the authority to award purchase orders or contracts, unless delegated pursuant to the Orange County Charter §27.02(3). Prior to awarding a purchase order or contract, the individual making the award must have a written designation authorizing that individual to make such award on file with the Commissioner. The County Executive or Commissioner shall have the discretion to approve such designations, which shall be made and maintained by the Commissioner, in consultation with the Department Head of each Procuring Agency. Designations may be made with regard to the type of procurement, dollar thresholds, etc. as the County Executive or Commissioner, shall see fit.

C. Written Justifications

1. A written justification by the Procuring Agency for the Procurement Record is required if:

- a. an award was given to someone other than the lowest priced Offeror or Bidder (General Municipal Law §104-b(2)(e));
- b. a Professional Services exemption is requested (Part X(C));
- c. a Contract Modification is requested (Part XXII(E)); or
- d. other provisions of this Policy require a justification in accordance with this Part XXII(C).

2. The written justification must contain a brief explanation of the request (e.g. selection process for Contractor, Professional Services Exemption, history of the contract timeline and funding, etc.) and then state each of the following three points, with a response to each, that explains how such an award:

- a. assures the prudent and economical use of public money in the best interests of the taxpayers;
 - b. facilitates the acquisition of Commodities, Equipment, Technology or Services of the maximum quality at the lowest possible cost under the circumstances; and
 - c. guards against favoritism, improvidence, extravagance, fraud and/or corruption.
3. The Procuring Agency shall maintain the justification and any applicable approval or denial in the Procurement Record.

D. Federally-Funded Fixed Amount Subawards

Fixed amount subawards which are Federally-Funded are only permitted in accordance with 2 CFR §200.201(b).

E. Modifications to Purchase Orders and Contracts

1. Purchase order and contract modifications (amendments, change orders, etc.) shall be done in accordance with applicable provisions of New York State and Federal law, this Policy and the purchase order and contract documents. General Municipal Law §103(1) does not permit change orders to or renewals of Purchase Contracts or Public Works purchase orders or contracts that were not initially competitively bid because they did not meet the threshold, if the change order or renewal would bring the reasonably expected countywide 12-month aggregate amount of the countywide spend for the Commodity, Equipment, Technology or Service (excluding Professional Services) over the applicable threshold.

2. Modifications of purchase orders or contracts which, absent the exercise of a right of renewal or extension in the original purchase order or contract:

- a. extend the term of the purchase order or contract by more than three (3) months; and/or
- b. increase the not-to-exceed amount of the purchase order or contract price by more than \$5,000 at one time or through a combination of increases

require written justification from the Procuring Agency in accordance with Part XXII(C) of this Policy (which may be combined with a Professional Services exemption justification, as applicable) for review and approval by the Commissioner. The Procuring Agency shall maintain the request and approval or denial in the Procurement Record.

PART XXIII. CONTRACT templates

A. Policy Requirements Still Applicable

All other pertinent requirements of this Policy are still applicable to a procurement even if standard contract templates are not required.

B. Standard County Contract Templates

Procuring Agencies shall use standard County contract templates, as approved by the County Attorney in consultation with the Commissioner, and maintained for Procuring Agency use by the Commissioner.

C. Non-County Contracts

The use of something other than a standard County contract template (e.g. Equipment leases, Technology contracts, provider agreements, energy and utility supply contracts) requires the approval of the County Attorney.

D. Commodities, Equipment, Technology or Services Procurements Less Than \$5,000

1. Individual Procurements under \$5,000.00 for Commodities, Equipment, Technology or Services where the Contractor will **NOT** be:

- a. using County real or personal property;
- b. performing maintenance or warranty service for any County property;
- c. entering any County grounds, buildings or facilities;
- d. performing services involving protected health information, financial or educational data, personally identifiable information, or the storage or processing of County records or data; or
- e. accessing information systems owned by or under the control of the County, or that are required to be used by the County in the performance of County obligations (e.g. use of information systems under the control of federal or New York State agency information systems for certain grant programs);

do not require the use of a contract unless required by the County Executive, County Attorney, or New York State or federal funding requirements. However, requisitions, purchase orders, vouchers and similar forms that may be required by the DGS, Department of Finance, Division of Budget, Division of Risk Management or the County Attorney must still be used for such procurements.

2. Additionally, the County Attorney, may designate in writing categories of payments (e.g., utility bills) that do not require a written contract or purchase order, however all purchases must still comply with the requisition process in §27.3 of the County Charter.

E. Federally-funded Purchase Orders and Contracts

1. In addition to any funding agency required terms, conditions or forms, Federally-Funded purchase orders or contracts must contain the applicable provisions described in Appendix II to [2CFR] Part 200 – Contract Provisions for non-Federal Entity Contracts Under Federal Awards per 2 CFR §200.326.

2. Subawards of federal funds must contain all the information, terms and conditions required by 2 CFR §200.331(a) and (c).

PART XXIV. OVERSIGHT OF CONTRACTORS AND SUBRECIPIENTS

The Procuring Agency must maintain oversight of Contractors and Subrecipients to ensure performance in accordance with the terms, conditions and specifications of purchase orders, contracts or subawards. In addition to this general oversight requirement, Procuring Agencies are responsible for complying with all oversight and monitoring requirements of their funding agencies (e.g. terms and conditions in grant agreements or applicable regulations including, but not limited to, 2 CFR §200.330-332 [Subrecipient Monitoring and Management]).

PART XXV. RECORDKEEPING

A. Procuring Agencies may be required to use standard forms or formats for Procurement Records at the discretion of the Commissioner. Otherwise, each Department Head shall be responsible for creating and maintaining the appropriate documentation to demonstrate his or her Unit of Government's compliance with this Policy and any related procedures.

B. Contract Administrators responsible for procurement activities must be designated in writing by the Department Head, which shall be maintained on file with the Commissioner and shall be updated as changes occur.

C. In addition to any further recordkeeping requirements in the Procurement Manual, if any (See Part XXVI of this Policy) and any federal or New York State statutory, regulatory or funding source requirements, the Procuring Agency shall maintain a written record for every procurement (whether via Purchase Order or Contract), which contains the following information, **as applicable**:

1. Determination of whether the procurement is subject to competitive bidding;
2. Preferred Source inquiry and solicitation documentation;
3. Documentation from New York State Office of General Services, other governmental entities procurement agencies, government surplus programs, group purchasing organizations and/or their distributors, or any other entity through which a piggyback inquiry or purchase was made;
4. Solicitation documentation appropriate to the procurement method used (e.g., Request for Quotes/Bids/Proposals; advertising and other records of public distribution; contact records required by the Procurement Lobbying Law; quotes, bids or proposals received, etc.);
5. Award documentation (e.g., score sheets or other written analysis of the quotes, bids or proposals, the award decision, notice of award, justifications, etc.);
6. Purchase order or contract documentation (e.g., purchase order or contract with all attachments, appendixes, business associate agreements, insurance, etc.);
7. Contract Administration documentation (e.g., performance reports, invoices, payroll certifications, payment records, records of disputes, etc.);
8. For Federally-Funded procurements, the following minimum requirements, per 2 CFR §200.318(i), are applicable:
 - a. rationale for the method of procurement;
 - b. selection of contract type;
 - c. contractor selection or rejection; and
 - d. basis for purchase order or contract price.

PART XXVI. PROCUREMENT MANUAL

The Commissioner is authorized to promulgate procedures to implement this Policy in the form of a Procurement Manual.

PART XXVII. INDIVIDUALS RESPONSIBLE FOR PURCHASING

With the exception of the Legislature's authorization to "obtain and employ professional and technical assistance and advice" pursuant to §2.02(q) of the Orange County Charter; pursuant to §27.02(3) of the Orange County Charter, James P. Burpoe, the Commissioner is responsible for solicitation and contracting of all purchases of Commodities, Equipment, Technology and Services for all Units of County Government in accordance with applicable federal, New York State law and County policies. To the extent this Policy authorizes certain solicitations and procurements to be made directly by a

Unit of Government, without review or approval by the Commissioner, the individual making the procurement decision shall be the current Department Head of the Unit of County Government responsible for the procurement.

PART XXVIII. PAY-TO-PLAY⁶

All procurements must comply with Local Law No. 13 of 2013, known as the "Pay-to-Play Law".

PART XXIX. EFFECTIVE DATE⁷

The effective date of this Policy as amended and reaffirmed shall be March 1, 2019.

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 5

RESOLUTION NO. OF 2019

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF ORANGE COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE REISSUANCE BY THE ORANGE COUNTY FUNDING CORPORATION OF \$25,465,000 AGGREGATE PRINCIPAL AMOUNT MULTI-MODAL REVENUE BONDS (MOUNT SAINT MARY COLLEGE PROJECT), SERIES 2012C.

WHEREAS, the Orange County Legislature (the "Legislature"), as the elected legislative body of Orange County, New York (the "County"), has been advised by The Orange County Funding Corporation (the "Issuer") that, in order to assist with the financing of a certain Project (as defined below) for the benefit of Mt. St. Mary College (the "College"), an independent, coeducational, not-for-profit institution of higher education chartered by the Board of Regents of the State of New York and described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to reissue, contingent upon the adoption of this Resolution, its Multi-Modal Revenue Bonds (Mt. St. Mary College Project), Series 2012C, in one or more series, in an aggregate principal amount not to exceed \$25,465,000 (the "Bonds"); and

⁶ Added by Local Law No. 13 of 2013 and effective as of the date of its filing with the Secretary of State on November 12, 2013, amended by Local Law No. 2 of 2014, Local Law No. 3 of 2014 and Local Law No. 5 of 2014.

⁷ Resolution No. 189 of 2011 authorized the adoption of the Orange County Procurement Policy, effective September 1, 2011, subsequently amended and reaffirmed by Resolution No. 79 of 2012, Resolution No. 168 of 2013, Local Law No. 12 of 2013, Resolution No. 193 of 2013, Local Law No. 13 of 2013 (see Footnote 6), Resolution No. 91 of 2014 and Resolution No. 242 of 2015 and Resolution No. 272 of 2017.

WHEREAS, the College previously submitted an application to the Issuer requesting that the Issuer issue its Multi-Modal Revenue Bonds (Mount Saint Mary College Project), Series 2012C in the aggregate principal amount of \$25,465,000 (the "Series 2012C Bonds" or the "Bonds") for the purpose of undertaking a certain project (the "Project") consisting of: (A) refunding the outstanding Mount Saint Mary College Revenue Bonds, Series 2005 (the "Series 2005 Bonds") issued by the Dormitory Authority of the State of New York ("DASNY"), the proceeds of which were used to finance the renovation of the College Courts student housing complex located on the College's main campus located at 320 Powell Avenue, Newburgh, New York (the "Facility"), (B) the partial financing, refinancing and/or reimbursing the College for the costs of: (i) renovating the existing approximately 97,000 square-foot building known as the Dominican Center, to include a library, a dining facility, an approximate 156-bed student housing area, exercise space, and student lounges and (ii) constructing certain related surface improvements, including a small patio, a handicapped access ramp and approximately 100 surface parking spaces (collectively, the "Improvements") and (C) the payment of certain costs incidental to the issuance of the Series 2012C Bonds ((A) through (C) hereinafter referred to as "Project Costs"). The Bonds were issued on December 21, 2012; and

WHEREAS, the College has advised the Issuer that it desires to amend and supplement the Indenture, the Tax Compliance Agreement and related documents in order to change the interest payable on the Bonds in accordance with the Indenture (the "Modifications"); such Modifications resulting in a "re-issuance" for federal income tax purposes and requiring a new public hearing in accordance with the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, on February 14, 2019, the Issuer approved the re-issuance of the Bonds contingent upon the approval of the Legislature; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the reissuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, on March 13, 2019, at 10:00 a.m., local time, at the Issuer's offices located at The Accelerator, 4 Crotty Lane, Suite 100, New Windsor, New York 12553, the Issuer held such a public hearing upon proper notice in compliance with Section 147(f) of the Code; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the College's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in the Times Herald Record, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on March 13, 2019; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Orange County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the reissuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation Orange County, New York and neither the State nor any political subdivision thereof, including without limitation, Orange County, New York shall be liable thereon.

NOW, THEREFORE, be it resolved by the County Legislature of Orange County:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Legislature hereby gives its approval of the reissuance by the Issuer of the Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation, Orange County, New York, and neither the State nor any political subdivision thereof, including without limitation, Orange County, New York shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 6

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE PRIVATE SALE AND CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 2 OF 2010.

WHEREAS, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 2 of 2010), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

WHEREAS, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

WHEREAS, offers for several said parcels have been accepted by the Commissioner of Finance; and

WHEREAS, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

NOW, THEREFORE, it is hereby

RESOLVED AS FOLLOWS:

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., May 6, 2019, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Blooming Grove 23-1-40	Daniel T. Hanley Jr. 22 Grandview Trail Monroe, NY 10950	\$ 1,201.80
Deerpark 29-9-5	Michael J. Errico & James M. Falce 8 Avenue E Godeffroy, NY 12729	\$ 2,000.00
Monroe 17-9-13	Vance W. Sanford 201-18 34 th Avenue Bayside, NY 11361	\$ 900.00
Monroe 17-9-16	Vance W. Sanford 201-18 34 th Avenue Bayside, NY 11361	\$ 900.00
Montgomery 4-8-63	Moe Bohrer & Beth Bohrer Tango 224 South Drive Walden, NY 12586	\$ 510.00
Montgomery 207-1-47	Samantha Signa-Ayres 231 Robert Street Montgomery, NY 12545	\$ 500.00
Woodbury 230-6-5	Upstate Real Property Inc. 3 Taylor Ct. Monroe, NY 10950	\$ 7,200.00
Montgomery 308-1-11.43	Daniel Vidal William Kirnan 37 Walker Street / 47 Walker Street Walden, NY 12586	\$20,000.00

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsor:

Co-Sponsors:

RESOLUTION NO. OF 2019

RESOLUTION APPROVING THE APPLICATIONS FOR THE CORRECTION OF CERTAIN ERRORS APPEARING ON THE 2019 TAX ROLLS FOR CERTAIN TOWNS AND DISTRICTS AND ORDERING THE CORRECTION OF SAID ERRORS, PURSUANT TO SECTION 556 OF THE REAL PROPERTY TAX LAW.

WHEREAS, the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2019 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 556 of the Real Property Tax Law as summarized below.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.
2. That the taxes levied and extended upon said parcels be and the same hereby are decreased in the manner and to the extent set forth in said reports of the Director, as shown below.

FOR THE YEAR 2019

PROPERTY

OWNER

REASON

Town of Cornwall
36-1-56

Village of Kiryas Joel

550-2(c) Clerical Error
This is a water supply parcel and exempt from County taxation as per County Resolution No. 13 of 2018.

	<u>Now Reads</u>		<u>Should Be</u>		<u>Amount of REFUND</u>
County	3,887,700	\$14,643.41	0	\$ 0.00	\$14,643.41
Town	3,887,700	\$ 6,786.37	3,887,700	\$ 6,786.37	\$ 0.00
Highway	3,887,700	\$ 4,235.65	3,887,700	\$ 4,235.65	\$ 0.00
Pt Town	3,887,700	\$ 5,273.28	3,887,700	\$ 5,273.28	\$ 0.00
Canterbury Fire	3,887,700	\$ 4,132.24	3,887,700	\$ 4,132.24	\$ 0.00
Cornwall Refuse	3	<u>\$ 113.54</u>	3	<u>\$ 113.54</u>	<u>\$ 0.00</u>
		\$53,184.49		\$20,541.08	\$14,643.41

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsor:

Co-Sponsors:

RESOLUTION NO. OF 2019

RESOLUTION APPROVING THE APPLICATIONS FOR THE CORRECTION OF CERTAIN ERRORS APPEARING ON THE 2019 TAX ROLLS FOR CERTAIN TOWNS AND DISTRICTS AND ORDERING THE CORRECTION OF SAID ERRORS, PURSUANT TO SECTION 556 OF THE REAL PROPERTY TAX LAW.

WHEREAS, the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2019 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 556 of the Real Property Tax Law as summarized below.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.
2. That the taxes levied and extended upon said parcels be and the same hereby are decreased in the manner and to the extent set forth in said reports of the Director, as shown below.

FOR THE YEAR 2019

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Palm Tree 335-7-1.-2	Victor & Helen Meisels	550-2(e) Clerical Error Sewer charges were releived in error.

	<u>Now Reads</u>		<u>Should Be</u>		<u>Amount of REFUND</u>
County	179,400	\$3,664.10	179,400	\$3,664.10	\$ 0.00
Town	179,400	\$1,300.27	179,400	\$1,300.27	\$ 0.00
Co 1 bond stp & intc	179,400	\$ 330.62	179,400	\$ 330.62	\$ 0.00
Co 1 bond laterals	179,400	\$ 18.93	179,400	\$ 18.93	\$ 0.00
County unpaid sewer	0	<u>\$2,800.41</u>	0	<u>\$ 0.00</u>	<u>\$2,800.41</u>
		\$8,114.33		\$5,313.92	\$2,800.41

ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, a Project for the Highland Avenue over Wallace Street Bridge Replacement (BIN 3364800) in the Village of Otisville, Orange County, PIN 8762.12 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% federal funds and 5% non-federal funds; and

WHEREAS, Orange County will design, let and construct the Project; and

WHEREAS, Orange County desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Orange County Legislature, duly convened does hereby

RESOLVE, that the Orange County Legislature hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Orange County Legislature hereby authorizes Orange County to pay 100% of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$868,828.00 is hereby made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the Orange County Legislature hereby agrees that Orange County shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to Orange County; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Orange County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Commissioner of Public Works thereof; and it is further

RESOLVED, that Orange County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Orange County Commissioner of Public Works be and is hereby authorized to execute on behalf of Orange County all necessary agreements, certifications or reimbursement

requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and Orange County's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: **Physical Services; Ways and Means**

Sponsors:

Co-Sponsors:

Agenda No. 10

RESOLUTION NO. OF 2019

AMENDING BOND RESOLUTION DATED APRIL 5, 2019 AMENDING THE BOND RESOLUTION ADOPTED SEPTEMBER 1, 2016 AND AMENDED SEPTEMBER 6, 2018 IN RELATION TO THE REPLACEMENT OF THE COUNTY-OWNED OTISVILLE VIADUCT IN THE VILLAGE OF OTISVILLE.

Recitals

WHEREAS, the County Legislature of the County of Orange, New York, has heretofore duly authorized capital project No. 522, consisting of the replacement of the County-owned Otisville viaduct in the Village of Otisville (the "Project"), and has authorized the planning of such replacement, at the estimated maximum cost of \$100,000, which amount was appropriated therefore pursuant to Bond Resolution No. 172 of 2016, duly adopted on September 1, 2016; and

WHEREAS, the County Legislature of the County of Orange, New York, has heretofore duly authorized the construction of the Project, at the estimated maximum cost of \$2,900,000, which amount was appropriated therefore pursuant to Resolution 185 of 2018; and

WHEREAS, due to receipt of State funds in the amount of \$612,750, it has been determined to decrease the amount of Bonds required to be issued to finance the Project by \$612,750;

Now, therefore, be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:** Section (A). The bond resolution of said County duly adopted by the County Legislature on September 1, 2016 and amended on September 6, 2018, entitled:
"BOND RESOLUTION DATED SEPTEMBER 1, 2016 AND AMENDED SEPTEMBER 6, 2018

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REPLACEMENT OF THE COUNTY-OWNED OTISVILLE VIADUCT IN THE VILLAGE OF OTISVILLE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,900,000; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,900,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION"

is hereby amended to read as follows:

BOND RESOLUTION DATED SEPTEMBER 1, 2016 AND AMENDED SEPTEMBER 6, 2018 AND APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING REPLACEMENT OF THE COUNTY-OWNED OTISVILLE VIADUCT IN THE VILLAGE OF OTISVILLE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,900,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPLICATION OF \$612,750 IN STATE FUNDS EXPECTED TO BE RECEIVED; AND AUTHORIZING THE ISSUANCE OF \$2,287,250 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue existing capital project No. 522 for the Department of Public Works, consisting of the replacement of the County-owned Otisville viaduct in the Village of Otisville, all as more particularly described in the County's Capital Plan, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,900,000, and said amount is hereby appropriated therefor, including the application of \$612,750 in State funds expected to be received (the "State Funds"). The plan of financing includes the expenditure of said State Funds and the issuance of \$2,287,250 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$2,287,250 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$2,287,250 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (D). This resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 11

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, TO IMPLEMENT AND FUND IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATE FUNDS THEREFORE AND ENTER INTO SUPPLEMENTAL AGREEMENT NO. 4 WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO AMEND THE EXISTING AGREEMENT FOR THE REPLACEMENT OF GROVE DRIVE BRIDGE (CAPITAL PROJECT 486), PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, a Project for the Grove Drive Bridge Replacement (East Village Road over the Ramapo River) in the Town of Tuxedo, Orange County (BIN 3345060), PIN 8759.86 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 156 of 2017 adopted by the Orange County Legislature on July 6, 2017 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work; and

WHEREAS, it was subsequently found necessary to undertake additional construction and construction inspection work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the Project.

NOW, THEREFORE, the Orange County Legislature, duly convened does hereby

RESOLVE, that the Orange County Legislature hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Orange County Legislature hereby authorizes Orange County to pay in the first instance 100% of the federal and non-federal share of the cost of the additional construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$48,000.00 is hereby made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event that full federal and non-federal share costs of the Project exceeds the amount stated above, the Orange County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the Orange County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Orange County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the County Executive, the following municipal titles: Commissioner of Public Works and the Commissioner of Finance and/or a designee, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement.

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 12

RESOLUTION NO. OF 2019

AMENDING BOND RESOLUTION DATED APRIL 5, 2019 AMENDING THE BOND RESOLUTION ADOPTED FEBRUARY 7, 2019 IN RELATION TO THE REPLACEMENT OF GROVE DRIVE BRIDGE.

Recitals

WHEREAS, the County Legislature of the County of Orange, New York, has heretofore duly authorized capital project No. 486, consisting of the reconstruction of the Grove Drive Bridge in the

Town of Tuxedo (the "Project"), at the estimated maximum cost of \$2,933,000, which amount was appropriated therefore pursuant to Bond Resolution No. 195 of 2005 duly adopted on July 7, 2005, as amended pursuant to Resolution No. 63 of 2010, and further amended pursuant to Bond Resolution No. 264 of 2011 adopted on December 1, 2011 and further amended by Bond Resolution No. 30 of 2012, adopted on March 1, 2012, in accordance with the plan of finance which includes acceptance of a grant from the United States of America in the amount of \$2,322,400, a grant from the State of New York in the amount of \$435,450, and the balance to be paid from County sources; and

WHEREAS, the County Legislature adopted Resolution No. 156 of 2017, adopted on July 6, 2017, increasing the cost of the Project to \$4,332,825 and the amounts of each of the above grants were increased;

WHEREAS, due to receipt of additional (Marchiselli) State funds in the amount of \$159,274, the County Legislature adopted Resolution No. 13 of 2019, on February 7, 2019 decreasing the amount of Bonds required to be issued to finance the Project by \$159,274 to \$194,991;

WHEREAS, the County Legislature adopted Resolution No. 14 of 2019, on February 7, 2019, increasing the amount of Bonds authorized to be issued by \$735,000 and increasing the cost of the Project from \$4,332,825 to \$5,067,825;

WHEREAS, the County is in receipt of additional Federal funds in the amount of \$626,400, and it has been determined to apply such funds to the cost of the Project and to decrease the amount of County bonds authorized to finance a portion of the cost of the Project from \$929,991 to \$351,591; and

WHEREAS, it has been determined that the cost of the Project has increased by an additional amount of \$48,000 from \$5,067,825 to \$5,115,825,

Now, therefore, be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:**

Section (A). The Resolution No. 14 of 2019 of said County duly adopted by the County Legislature on February 7, 2019 entitled:

"BOND RESOLUTION DATED FEBRUARY 7, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$735,000 BONDS IN ADDITION TO THE \$194,991 BONDS HERETOFORE AUTHORIZED FOR THE RECONSTRUCTION OF GROVE DRIVE BRIDGE LOCATED IN THE TOWN OF TUXEDO; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,067,825; AND APPROPRIATING \$735,000 THEREFOR IN ADDITION TO THE \$4,332,825 HERETOFORE APPROPRIATED"

is hereby amended to read as follows:

BOND RESOLUTION DATED FEBRUARY 7, 2019 AND AMENDED APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$156,600 BONDS IN ADDITION TO THE \$194,991 BONDS HERETOFORE AUTHORIZED FOR THE RECONSTRUCTION OF GROVE DRIVE BRIDGE LOCATED IN THE TOWN OF TUXEDO; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,115,825; AND APPROPRIATING \$156,600 THEREFOR IN ADDITION TO AMOUNTS HERETOFORE APPROPRIATED.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK
(by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue existing capital project No. 486 for the Department of Public Works, consisting of the reconstruction of the Grove Drive Bridge, located in the Town of Tuxedo. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,115,825, and said amount is hereby appropriated therefor. The plan of finance includes the application of \$4,092,660 in Federal grant funds expected to be received, \$649,924 in State of New York grant funds expected to be received and \$21,650 in County current funds previously appropriated therefor from the County's capital reserve fund and the issuance of \$156,600 bonds of the County herein authorized, in addition to said \$194,991 bonds heretofore authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$156,600 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$156,600 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or

declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (D). This resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

RESOLUTION NO. OF 2019

AMENDING BOND RESOLUTION DATED APRIL 5, 2019

FURTHER AMENDING THE BOND RESOLUTION ADOPTED FEBRUARY 2, 2012, AND AMENDED FEBRUARY 4, 2016 AND FURTHER AMENDED ON MAY 3, 2018, AND FURTHER AMENDED ON FEBRUARY 7, 2019, IN RELATION TO FINANCING THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS AT THE COUNTY-OWNED HERITAGE TRAIL, AT THE ESTIMATED TOTAL COST OF \$9,516,990.

Recitals

WHEREAS, the County Legislature of the County of Orange, New York, has heretofore duly authorized capital project No. 725, consisting of the construction of recreational improvements at the County-owned Heritage Trail for the Department of Parks, Recreation and Conservation (the "Project"), at the estimated maximum cost of \$8,913,000, which amount was appropriated therefore pursuant to Bond Resolution No. 13 of 2012 duly adopted on February 2, 2012, as amended pursuant to Resolution No. 11 of 2016, duly adopted on February 4, 2016, in accordance with the plan of finance which includes acceptance of a grant from the United States of America in the amount of \$6,888,326 (the "Federal Grant"), a grant from the State of New York in the amount of \$500,000, and a grant from the Orange County IDA in the amount of \$1,000,000, and the balance to be paid from County sources; and

WHEREAS, the Project cost was further amended pursuant to Resolution No. 98 of 2018, duly adopted on May 3, 2018, to provide for an increase of \$172,000 in Federal grants from \$6,888,326 to \$7,060,326 and an increase of \$43,000 in County funds from \$524,674 to \$567,674;

WHEREAS, the Project cost was further amended pursuant to Resolution No. 20 of 2019, duly adopted on February 7, 2019, to provide for an increase of \$71,992 in Federal grants from \$7,060,326 to \$7,132,318 and an increase of \$17,998 in County funds from \$567,674 to \$585,672;

WHEREAS, the cost of the Project has increased to \$9,516,990 and the amount of the Federal Grant has increased by \$239,200, from \$7,132,318 to \$7,371,518 and the amount to be paid from County sources must now be increased by \$59,800 from \$585,672 to \$645,472;

Now, therefore, be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:**

Section (A). The bond resolution of said County duly adopted by the County Legislature on February 2, 2012 and amended February 4, 2016 and May 3, 2018, entitled:

"BOND RESOLUTION DATED FEBRUARY 2, 2012 AND AMENDED FEBRUARY 4, 2016 AND FURTHER AMENDED MAY 3, 2018 AND FURTHER AMENDED FEBRUARY 7, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING RECREATIONAL AREA IMPROVEMENTS AT THE COUNTY-OWNED HERITAGE TRAIL FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,217,990; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING \$1,000,000 OF PROJECT EXPENDITURES TO BE MADE BY THE ORANGE COUNTY IDA, \$500,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK AND \$7,132,318 EXPECTED TO BE RECEIVED FROM THE UNITED

STATES OF AMERICA AND AUTHORIZING THE ISSUANCE OF \$585,672 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION”

is hereby amended to read as follows:

BOND RESOLUTION DATED FEBRUARY 2, 2012 AND AMENDED FEBRUARY 4, 2016 AND FURTHER AMENDED MAY 3, 2018 AND FURTHER AMENDED FEBRUARY 7, 2019 AND APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING RECREATIONAL AREA IMPROVEMENTS AT THE COUNTY-OWNED HERITAGE TRAIL FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,516,990; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING \$1,000,000 OF PROJECT EXPENDITURES TO BE MADE BY THE ORANGE COUNTY IDA, \$500,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK AND \$7,371,518 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND AUTHORIZING THE ISSUANCE OF \$645,472 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called “County”), is hereby authorized to continue existing capital project No. 725 for the Department of Parks, Recreation and Conservation, consisting of the construction of recreational area improvements at the County-owned Heritage Trail, all as more particularly described in the County’s Capital Plan, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,516,990, and said amount is appropriated therefor, including the application of \$7,371,518 in Federal grant funds received or expected to be received, \$500,000 in State of New York grant funds received or expected to be received, and \$1,000,000 in grant funds received or expected to be received from the Orange County IDA (collectively, the “Grant Funds”). The plan of financing includes the application of the Grant Funds and the issuance of \$645,472 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$645,472 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance a portion of said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$645,472 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of **§30.00** relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of **§§50.00**, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (D). This resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 14

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, TO IMPLEMENT AND FUND IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND ENTER INTO SUPPLEMENTAL AGREEMENT NO. 1 WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR COSTS OF THE PRELIMINARY ENGINEERING AND RIGHT-OF-WAY INCIDENTALS FOR THE HERITAGE TRAIL EXTENSION, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, a Project for the Heritage Trail Extension: Downtown Middletown to Howells Road (Segment 3) in the City of Middletown and Town of Wallkill, Orange County, identified as PIN 8757.05 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 12 of 2012 adopted by Orange County on February 2, 2012 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work; and

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering and right-of-way incidental work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering and right-of-way incidental work for the Project; and

NOW, THEREFORE, the Orange County Legislature, duly convened does hereby

RESOLVE, that the Orange County Legislature hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Orange County Legislature hereby authorizes Orange County to pay in the first instance 100% of the federal and non-federal share of the cost of the additional preliminary engineering and right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$299,000.00 (\$424,000.00 minus previous \$125,000.00) is hereby made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event that full federal and non-federal share costs of the Project exceeds the amount stated above, the Orange County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof; and it is further

RESOLVED, that the Orange County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Orange County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the County Executive, the following municipal titles: Commissioner of Parks, Recreation and Conservation and the Commissioner of Finance and/or a designee, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsors:

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, THE IMPLEMENTATION AND FUNDING 100% OF THE COSTS OF A TRANSPORTATION PROJECT, OF WHICH QUALIFIED COSTS MAY BE REIMBURSED FROM BRIDGE NY FUNDS, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, a Project for the Lower Road over Tributary to Wallkill River Culvert Replacement in the Town of Wawayanda, Orange County, PIN 8762.32 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the New York State Department of Transportation (NYSDOT) will design, let, and administer all phases of the Project; and

WHEREAS, Orange County desires to advance the Project by making a commitment of 100% of the costs of design and construction work for the Project or portions thereof.

NOW, THEREFORE, the Orange County Legislature, duly convened does hereby

RESOLVE, that the Orange County Legislature hereby approves the Project; and it is hereby further

RESOLVED, that the Orange County Legislature hereby grants NYSDOT permission to directly apply Bridge NY funds to reimburse costs incurred by NYSDOT on the Project; and it is further

RESOLVED, that the Orange County Legislature hereby agrees that Orange County shall be responsible for all costs of the Project which exceed the amount of the NY Bridge Funding awarded to Orange County; and it is further

RESOLVED, that the sum of \$612,750.00 is hereby appropriated and made available to cover the costs of participation in the Project, as shown below*; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount of Bridge NY funding appropriated, the Orange County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof; and it is further

RESOLVED, that the County Executive of Orange County be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of Orange County in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs; and it is further

RESOLVED, that Orange County will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State

Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

***Revenue:**

1100 519701 435911 State Funding \$612,750.00

Expense:

1100 519701 577010 Capital Budget \$612,750.00

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsors:

Agenda No. 16

RESOLUTION NO. OF 2019

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE ALGONQUIN PARK DAM RESTORATION IN THE TOWN OF NEWBURGH, CLASSIFYING THE ACTION AS A TYPE I ACTION AND DETERMINING THAT THE ACTION WILL NOT HAVE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

WHEREAS, Orange County intends to repair the upper and middle dams at Algonquin Park, located at NYS Route 52 and Powder Mill Road in the Town of Newburgh. The project includes the rehabilitation of the upper and middle pond dams damaged during Tropical Storms Irene and Lee. Repairs will be made to restore the dams and adjacent improvements, and some improvements to make the dams more resilient to future storms to prevent repeat damages. The project is expecting to receive funding from FEMA; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), and the regulations promulgated thereto, an Environmental Assessment Form ("EAF"), has been completed and in accordance with the findings of Part 1, 2 and 3 of the Environmental Assessment Form ("EAF"), it is determined that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the Orange County Legislature declares itself Lead Agency concerning the Algonquin Park Dam Restoration in the Town of Newburgh; and

2. Makes a determination, pursuant to 6 NYCRR Section 617.6 that the proposed action is a Type I Action; and
3. Determines in accordance with the Findings of Parts 1, 2 and 3 of the Environmental Assessment Form ("EAF") that the project will have no significant adverse environmental impacts; and
4. All documents will be filed and published in accordance with 6 NYCRR 617.12.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsors:

Agenda No. 17

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A PROPOSED RIGHT-OF-WAY DEDICATION PARCEL IN THE TOWN OF NEWBURGH.

WHEREAS, a right-of-way dedication parcel; namely Section 86, Block 1, Lot 14.2, located on County Road 23, Rock Cut Road, in the Town of Newburgh, is owned by Cumberland Farms, Inc. and more particularly described on the attached **Schedule "A"**; and

WHEREAS, it is desirable that the County acquire ownership of the aforesaid right-of-way dedication parcel, as said dedication was deemed necessary for the Road Width design criteria during the review process, and owners Cumberland Farms, Inc. are desirous of conveying said parcel to the County of Orange as stated in the Irrevocable Offer of Dedication; and

WHEREAS, the private landowners have agreed to bear all costs and expenses relating to the surveying and title costs as may be reasonably required by the County and agree to obtain good and valid releases from all owners, mortgagees, lienors and others that may be required to consent to such dedication and subject to the approval of same by the County Attorney.

NOW, THEREFORE, it is hereby

RESOLVED, that the Legislature hereby authorizes the County Executive to accept from Cumberland Farms, Inc. the right-of-way dedication parcel located in the Town of Newburgh and more particularly described on the attached **Schedule "A"**; and it is further

RESOLVED, that the Orange County Department of Public Works shall prepare and submit the necessary documents to the County Attorney so as to complete the conveyance set forth above.

SCHEDULE "A"

"Offer of Dedication"
Route 17K and Rock Cut Road

All that piece of parcel of land situate in the Town of Newburgh, County of Orange and the State of New York, bounded and described as follows:

Commencing at a point located at the intersection formed by the north line of N.Y.S. Route 17K with the westerly line of Rock Cut Road, thence from said point of commencement and along the aforesaid westerly line of Rock Cut Road,, North 46°47'56" East, 19.00 feet to the point of beginning; thence from said point of beginning and through the lands of Cumberland Farms, Inc. (Book 14248, Page 729), North 27°53'24" East, 92.78 feet to a point; thence along the aforesaid westerly line of Rock Cut Road, the following three courses: 1) South 61°47'32" East, 9.22 feet to a point; 2) South 27°53'24" West, 65.83 feet to a point and 3) South 46°47'56" West, 28.44 feet to the point or place of beginning.

Containing in all 731 square feet of land being more or less.

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 18

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Health has offered a grant in the amount of \$97,198.00 for the Adolescent Tobacco Use Prevention Act (ATUPA). The goal of the program is to implement and enforce New York State's Adolescent Tobacco Use Prevention Act in Orange County. The term of the grant runs from April 1, 2019 through March 31, 2020; and

WHEREAS, this Legislature does wish to accept and appropriate said grant for the Department of Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate a grant from the New York State Department of Health in the amount of \$97,198.00 for the Adolescent Tobacco Use Prevention Act as indicated above.

2. That in furtherance of this resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. That the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that

no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2019 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	401018	434721	Special Health Programs - ATUPA	\$97,198.00
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Expenses:

1010	401018	560110	Permanent Base Salary Total	\$45,670.00
1010	401018	568030	Youth Compliance Workers	\$ 3,000.00
			Fringe Benefits	\$35,294.00
1010	401018	586100	Employee Retirement System	\$ 6,081.00
1010	401018	586300	Social Security/FICA	\$ 3,633.00
1010	401018	586400	Worker's Compensation	\$ 1,555.00
1010	401018	586500	Unemployment Insurance	\$ 98.00
1010	401018	586600	Hospital Insurance	\$23,273.00
1010	401018	586650	Dental Insurance	\$ 508.00
1010	401018	586660	Vision Insurance	\$ 48.00
1010	401018	586700	Disability Insurance	\$ 86.00
1010	401018	586800	EAP	\$ 12.00
1010	401018	571250	Legal Fees	\$ 250.00
1010	401018	571500	Employee Chargeback	\$ 2,397.00
1010	401018	573100	Office Supplies	\$ 250.00
1010	401018	573140	Postage	\$ 200.00
1010	401018	575180	Equipment Lease	\$ 200.00
1010	401018	575400	Radio/Pager/Mobile Communications	\$ 187.00
1010	401018	575750	County Motor Pool	\$ 6,000.00
1010	401018	576340	Telephone	\$ 2,750.00
1010	401018	576760	Routine Mileage	\$ 500.00
1010	401018	576820	Special Payments (Evidence)	\$ 500.00
			Total Adolescent Tobacco Use Prevention Act	\$97,198.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:
Co-Sponsors:

Agenda No. 19

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE SECOND YEAR GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Health has offered second year grant funds in the amount of \$189,605.00 for the Immunization Action Plan Program. The term of the grant runs from April 1, 2019 through March 31, 2020. The purpose of this grant is to conduct assessment, outreach and education activities to increase childhood, adolescent and adult immunization rates to reduce the occurrence of vaccine preventable diseases; and

WHEREAS, this Legislature does wish to accept and appropriate said second year grant funds for the Department of Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate second year grant funds from the New York State Department of Health in the amount of \$189,605.00 for the Immunization Action Plan Program as indicated above.
2. That the 2019 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	401018	434721	Special Health Programs – IAP	\$189,605.00
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Expenses:

1010	401018	560110	Permanent Base Salary	\$ 54,543.00
			Fringe Benefits	\$ 16,560.00
1010	401018	586100	ERS	\$7,920.00
1010	401018	586300	Social Security	\$4,173.00
1010	401018	586500	Unemployment	\$ 109.00
1010	401018	586600	Hospital Insurance	

1010	401018	586650	Dental Insurance	\$ 615.00	
1010	401018	586660	Vision Insurance	\$ 58.00	
1010	401018	586800	EAP	\$ 14.00	
1010	401018	586700	Disability	\$ 103.00	
1010	401018	586400	Workers Comp	\$3,568.00	
1010	401018	571500	Employee Chargeback		\$100,523.00
1010	401018	573100	Office Supplies		\$ 1,250.00
1010	401018	573130	Educational Materials		\$ 500.00
1010	401018	573140	Postage		\$ 125.00
1010	401018	575400	Radio Pager		\$ 624.00
1010	401018	575610	Building Rent		\$ 7,880.00
1010	401018	576760	Routine Mileage		\$ 4,000.00
1010	401018	576770	Special Travel		\$ 500.00
1010	401018	576810	Repro		\$ 100.00
1010	401018	577080	Printing		\$ 1,000.00
1010	401018	577090	Maintenance Contract		\$ 2,000.00
			Total Immunization Action Plan		\$189,605.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 20

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Health AIDS Institute/Health Research, Inc. has offered a grant in the amount of \$105,000.00 for the Expanded Partner Services Program (ExPS). The purpose of this grant is to facilitate the re-engagement in medical care of persons thought to be out-of-care living with HIV/AIDS, notify, test and treat partners, and distribute protection to sexually active HIV positive persons and their partners. The term of the grant runs from April 1, 2019 through March 31, 2020; and

WHEREAS, this Legislature does wish to accept and appropriate said funds for the Department of Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate funds from the New York State Department of Health AIDS

Institute/Health Research, Inc. in the amount of \$105,000.00 for the Expanded Partner Services Program as indicated above.

2. That the 2019 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	401018	434721	Special Health Programs - Expanded Partner Services	\$105,000.00
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Expenses:

1010	401018	560110	Permanent Base Salary		\$ 69,715.00
			Fringe Benefits		\$ 13,750.00
1010	401018	586100	ERS	\$6,053.00	
1010	401018	586300	Social Security	\$5,376.00	
1010	401018	586400	Workers' Comp.	\$2,066.00	
1010	401018	586500	Unemployment Insurance	\$ 138.00	
1010	401018	586600	Health Insurance	\$ -	
1010	401018	586650	Dental Insurance	\$ -	
1010	401018	586660	Vision Insurance	\$ -	
1010	401018	586700	Employer Disability	\$ 103.00	
1010	401018	586800	EAP Charges	\$ 14.00	
1010	401018	571500	Employee Chargeback		\$ 6,943.00
1010	401018	573100	Office Supplies		\$ 1,000.00
1010	401018	575400	Radio Pager		\$ 208.00
1010	401018	575610	Building rent		\$ 5,000.00
1010	401018	576340	Telephone		\$ 420.00
1010	401018	576760	Employee Mileage Reimbursement		\$ 1,000.00
1010	401018	576770	Employee Special Travel		\$ 500.00
1010	401018	577080	Printing		\$ 80.00
1010	401018	577090	Maintenance Contracts		\$ 2,200.00
1010	401018	579910	Indirect Expenses		<u>\$ 4,184.00</u>
			Total Expanded Partner Services		\$105,000.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

RESOLUTION NO. OF 2019

BOND RESOLUTION DATED APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, RATIFYING BOND RESOLUTION NO. 142 OF 2009 AND REAUTHORIZING THE ISSUANCE OF \$444,335 BONDS TO FINANCE A PART OF THE COST OF CONSTRUCTION OF HVAC IMPROVEMENTS TO THE COUSER BUILDING AT THE VALLEY VIEW CENTER.

Recital

WHEREAS, the Legislature of the County of Orange, New York has heretofore adopted Bond Resolution No. 142 of 2009 on June 4, 2009, which authorized the issuance of \$487,000 bonds of the County to finance for the Couser Building at the County's Valley View Center, consisting of HVAC improvements including replacement of air handlers, all as more particularly described in the County's 2009 Capital Plan, as amended (the "Project"); and

WHEREAS, due to the provisions of section 41.00 of the Local Finance Law, any bond resolution authorizing the issuance of bonds shall be deemed to be repealed ten years after the date it becomes effective unless previously repealed, revoked or reauthorized; and

WHEREAS, the County has heretofore issued \$42,665 bonds of said \$487,000 authorization and there remains an authorized and unissued balance of \$444,335; and

WHEREAS, it has been requested that said \$444,335 authorized and unissued amount be reauthorized prior to its deemed-repealed date of June 4, 2019; and

WHEREAS, the County Legislature has determined that it is in the best interests of the County to ratify Bond Resolution No. 142 of 2009 in order to provide for the reauthorization and issuance of bonds to finance a part of the cost of the Project;

NOW, THEREFORE,

THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue existing capital project no. 130 and Bond Resolution No. 142 of 2009, heretofore adopted on June 4, 2009 by the County Legislature of the County is hereby ratified and the County is hereby reauthorized to issue bonds in the principal amount of \$444,335 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), and other applicable laws, to finance a part of the cost of the construction of HVAC improvements to the Couser Building at the County's Valley View Center, including replacement of air handlers, as authorized in the County's Capital Plan, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$787,000, inclusive of \$250,000 previously appropriated pursuant to Bond Resolution No. 177 of 2005. The plan of financing includes (a) the issuance of \$444,335 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution Number 142 of 2009 and hereby reauthorized, in addition to \$250,000 bonds previously authorized pursuant to Bond

Resolution No. 177 of 2005, (b) the issuance of \$42,665 bonds heretofore authorized and issued pursuant to Bond Resolution No. 142 of 2009 and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$444,335 bonds herein reauthorized are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years, computed from the date of issuance of the first obligations issued pursuant hereto.

Section 3. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds 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, and pursuant to the provisions of ~~§30.00~~ relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of ~~§§50.00~~, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 22

RESOLUTION NO. OF 2019

RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2019 COUNTY BUDGET FOR THE VALLEY VIEW CENTER FOR NURSING CARE AND REHABILITATION, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Valley View Center for Nursing Care and Rehabilitation is requesting approval and appropriation of funds in the amount of \$4,210,000.00 to be used for Phase II and III of the Couser building HVAC project. The systems supporting heat, ventilation, and air conditioning are fifty-two years old and have reached economic life. Said project was approved in the 2019 Capital Plan as proposed Project No. 130; and

WHEREAS, this Legislature does wish to provide said funds to the Valley View Center for Nursing Care and Rehabilitation as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, that the 2019 budget for the Valley View Center for Nursing Care and Rehabilitation is hereby supplemented as stated above and indicated below, to be used for Phase II and III of the Couser building HVAC project; and it is further

RESOLVED, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

Revenue:

1460 453149 428011 Interfund Revenue \$4,210,000.00

Expense:

1460 453149 577010 Capital Expense \$4,210,000.00

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 22-A

RESOLUTION NO. OF 2019

RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2019 COUNTY BUDGET FOR THE VALLEY VIEW CENTER FOR NURSING CARE AND REHABILITATION, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Valley View Center for Nursing Care and Rehabilitation is requesting approval and appropriation of funds in the amount of \$4,654,345.00 to be used for Phase II and III of the Couser building HVAC project. The systems supporting heat, ventilation, and air conditioning are fifty-two years old and have reached economic life. Said project was approved in the 2019 Capital Plan as proposed Project No. 130; and

WHEREAS, this Legislature does wish to provide said funds to the Valley View Center for Nursing Care and Rehabilitation as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, that the 2019 budget for the Valley View Center for Nursing Care and Rehabilitation is hereby supplemented as stated above and indicated below, to be used for Phase II and III of the Couser building HVAC project; and it is further

RESOLVED, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

Revenue:

1460 453149 428011 Interfund Revenue \$4,654,345.00

Expense:

1460 453149 577010 Capital Expense \$4,654,345.00

ORANGE COUNTY LEGISLATURE

Committees: Health and Mental Health; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 23

RESOLUTION NO. OF 2019

RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2019 COUNTY BUDGET FOR THE VALLEY VIEW CENTER FOR NURSING CARE AND REHABILITATION, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Valley View Center for Nursing Care and Rehabilitation is requesting approval and appropriation of funds in the amount of \$87,000.00 to be used for the refurbishment of employee areas. Areas dedicated to providing lockers, changing spaces, and breakrooms are original to the buildings. Said project was approved in the 2019 Capital Plan as proposed Project No. 132; and

WHEREAS, this Legislature does wish to provide said funds to the Valley View Center for Nursing Care and Rehabilitation as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, that the 2019 budget for the Valley View Center for Nursing Care and Rehabilitation is hereby supplemented as stated above and indicated below, to be used for the refurbishment of employee areas; and it is further

RESOLVED, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

Revenue:

1460 453149 428011 Interfund Revenue \$87,000.00

Expense:

1460 453149 577010 Capital Expense \$87,000.00

ORANGE COUNTY LEGISLATURE

Committees: Health and Mental Health; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 24

RESOLUTION NO. OF 2019

RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2019 COUNTY BUDGET FOR THE VALLEY VIEW CENTER FOR NURSING CARE AND REHABILITATION, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Valley View Center for Nursing Care and Rehabilitation is requesting approval and appropriation of funds in the amount of \$94,000.00 to be used for wheelchairs, cushions, and accessories. Upgrading equipment provides mobility devices to maintain residents' highest level of functional independence. Said project was approved in the 2019 Capital Plan as proposed Project No. 134; and

WHEREAS, this Legislature does wish to provide said funds to the Valley View Center for Nursing Care and Rehabilitation as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, that the 2019 budget for the Valley View Center for Nursing Care and Rehabilitation is hereby supplemented as stated above and indicated below, to be used for wheelchairs, cushions, and accessories; and it is further

RESOLVED, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

Revenue:

1460	453149	428011	Interfund Revenue	\$94,000.00
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Expense:

1460	453149	577010	Capital Expense	\$94,000.00
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ORANGE COUNTY LEGISLATURE

Committees: Health and Mental Health; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 25

RESOLUTION NO. OF 2019

RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2019 COUNTY BUDGET FOR THE VALLEY VIEW CENTER FOR NURSING CARE AND REHABILITATION, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Valley View Center for Nursing Care and Rehabilitation is requesting approval and appropriation of funds in the amount of \$135,000.00 to be used for sewer water treatment. The facility has earmarked \$10,000.00 for an engineering study to evaluate current plant operating conditions and options for sustainability. The remaining \$125,000.00 is earmarked for funding equipment and/or issues identified in study of immediate concern. The water treatment plant supports Valley View, Social Services, and Hearthstone. Said project was approved in the 2019 Capital Plan as proposed Project No. 138; and

WHEREAS, this Legislature does wish to provide said funds to the Valley View Center for Nursing Care and Rehabilitation as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, that the 2019 budget for the Valley View Center for Nursing Care and Rehabilitation is hereby supplemented as stated above and indicated below, to be used for sewer water treatment; and it is further

RESOLVED, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

Revenue:

1460 453149 428011 Interfund Revenue \$135,000.00

Expense:

1460 453149 577010 Capital Expense \$135,000.00

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 26

RESOLUTION NO. OF 2019

RESOLUTION CONFIRMING THE REAPPOINTMENTS AND APPOINTMENT BY THE COUNTY EXECUTIVE TO THE ORANGE COUNTY FIRE ADVISORY BOARD, PURSUANT TO SECTION 18.07 OF THE ORANGE COUNTY CHARTER.

WHEREAS, Honorable Steven M. Neuhaus, County Executive, has notified the County Legislature that he has made the following reappointments and appointment to the Orange County Fire Advisory Board.

REAPPOINTMENTS:

TERM EXPIRES:

Thomas D. Amodio
Middletown, New York

December 31, 2020

Michael K. McNamee
Walden, New York

December 31, 2020

John Conner
Newburgh, New York

December 31, 2020

Robby Vought
Cornwall-on-Hudson, New York

December 31, 2020

Richard Graham
Florida, New York

December 31, 2020

Eugene E. Schmick, Jr.
Westtown, New York

December 31, 2020

Carl L. Van Horn
Sparrowbush, New York

December 31, 2020

Terry McBride
Campbell Hall, New York

December 31, 2020

Sean Gerow
Middletown, New York
Edward Pavlich, Jr.
Port Jervis, New York

December 31, 2020

December 31, 2020

John Nokland
Newburgh, New York

December 31, 2020

APPOINTMENT:

TERM EXPIRES:

John P. Hesse
Monroe, New York

December 31, 2020

NOW, THEREFORE, it is hereby

RESOLVED, that said reappointments and appointment be and the same hereby are confirmed.

ORANGE COUNTY LEGISLATURE

Committees: Public Safety and Emergency Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 27

RESOLUTION NO. OF 2019

BOND RESOLUTION DATED APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE EXPANSION OF THE FIRE ARMS RANGE AT THE SHERIFF'S DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK
(by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Sheriff's Department for the expansion of the fire arms range at the Sheriff's Department, all as more particularly described in the County's 2019 Capital Plan, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$50,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$50,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$50,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 12(a)(3) of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing

agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Public Safety and Emergency Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 28

RESOLUTION NO. OF 2019

BOND RESOLUTION DATED APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REPLACEMENT OF THE ROOF AT THE ORANGE COUNTY JAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,315,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$6,315,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Sheriff's Department/County Jail for the replacement of the roof at the Orange County Jail, all as more particularly described in the County's 2019 Capital Plan, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and

costs incidental thereto and to the financing thereof, is \$6,315,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$6,315,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$6,315,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$6,315,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Public Safety and Emergency Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 29

RESOLUTION NO. OF 2019

BOND RESOLUTION DATED APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF CAPITAL IMPROVEMENTS AT THE ORANGE COUNTY JAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$100,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Sheriff's Department/County Jail for the construction of capital improvements at the Orange County Jail, all as more particularly described in the County's 2019 Capital Plan, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$100,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committees: Public Safety and Emergency Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 30

RESOLUTION NO. OF 2019

BOND RESOLUTION DATED APRIL 5, 2019

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REPLACEMENT OF BUILDING EQUIPMENT AT THE ORANGE COUNTY JAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$161,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$161,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Sheriff's Department/County Jail for the replacement of building equipment at the Orange County Jail, all as more particularly described in the County's 2019 Capital Plan, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$161,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$161,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$161,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$161,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. 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 any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 7. 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) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Orange County Post, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; the Warwick Valley Dispatch, Warwick, New York; News of the Highlands, Inc., Cornwall, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Human Services

Sponsors:

Co-Sponsors:

Agenda No. 31

RESOLUTION NO. OF 2019

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the Orange County Department of Social Services is seeking to accept and appropriate a one-time allocation in the amount of \$45,000.00 from the New York State Office of Temporary and Disability Assistance (OTDA). Said federal funds are being made available in order to assist local social service districts not only with the development and implementation of a Homeless Services Plan, but also with improving connectivity as well as furthering reporting capabilities within the Homeless Management Information System (HMIS). The funds being provided will help to improve the overall quality of planning as well as data collection as it relates to the homeless population. There are no local funds involved; and

WHEREAS, this Legislature does wish to accept and appropriate said funds for the Department of Social Services as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of the Department of Social Services, be and hereby is authorized to accept and appropriate \$45,000.00 from the New York State Office of Temporary and Disability Assistance for the Homeless Services Plan as indicated above.

2. That the 2019 budget for the Department of Social Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

3100	703401	436101	DSS Administration	\$45,000.00
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Expense:

3100	703401	571820	Consulting	\$45,000.00
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