

ACT 129 - 2022  
RESOLUTION 171 - 2022

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

The attached Act contains an increase of \$5,000,000.00 in appropriations in the Probation Department's operating budget and the Miscellaneous Budget. Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The County desires to have the Dormitory of the State of New York ("DASNY") design and construct a new Specialized Secure Detention area (the "Project") at the site of the Woodfield Cottage Youth Facility located at 20 Hammond House Road, Valhalla, New York ("Woodfield Cottage"). DASNY is authorized by New York State law to manage and/or undertake the design, construction, reconstruction and/or rehabilitation of certain detention facilities certified by the New York State Office of Children and Family Services ("OCFS"). Woodfield Cottage is a facility certified by OCFS.

The County expects to finance the Project on a long-term basis with proceeds of tax-exempt bonds issued by DASNY to be addressed under separate agreements which are not the subject of this legislation. DASNY anticipates that it will issue these bonds sometime next year. In order to facilitate the commencement of the Project's design and construction, the proposed Act is necessary to enable the County to cover up to Five Million (\$5,000,000.00) Dollars of the initial costs of the Project which will be incurred prior to the receipt of the proceeds of the DASNY bonds. Upon issuance of the bonds, DASNY will reimburse the County for any operating funds advanced for the Project.

In order to enable DASNY to proceed with commencement of the Project, DASNY requires the proposed Resolution declaring the County's intent under the United States Treasury Regulations to reimburse such expenditures from the County's operating funds with the proceeds of the DASNY bonds.

The proposed Act and Resolution do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends approval of the attached Act and Resolution.

Dated: September 20, 2022.  
White Plains, New York

<p><del>James B. Kelly</del> Catherine Parker Nancy K. Bauer Margaret A. Cygan David J. Tubish David J. Tubish <del>David J. Tubish</del></p>	<p>Margaret A. Cygan Catherine Parker Nancy K. Bauer David J. Tubish <del>David J. Tubish</del></p>	<p><del>David J. Tubish</del> Margaret A. Cygan David J. Tubish Margaret A. Cygan David J. Tubish</p>
Budget & Appropriations 9/19/22	Public Works & Transportation 9/19/22	Public Safety 9/20/22

COMMITTEE ON

c:dlv



ACT 129 - 2022

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

SECTION 1. The 2022 County Operating Budget shall be amended as follows:

EXPENDITURES:

Probation (39)

Non-Recurring Repairs (101-39-1000-4310)	+	5,000,000
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REVENUES:

Miscellaneous Budgets (52)

Sales and Use Tax (101-52-1000-9032)	+	5,000,000
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SECTION 2. This ACT shall take effect immediately.

**RESOLUTION 171 -2022**

**RESOLUTION DECLARING OFFICIAL INTENT  
TO REIMBURSE EXPENDITURES  
FROM PROCEEDS OF BORROWING**

WHEREAS the County of Westchester, New York (the "County") plans to undertake the design and construction and equipping of a detention facility certified by the office of children and family services or by such office in conjunction with the state commission of correction or a residential facility licensed by the office of children and family services, all or in part pursuant to the New York State Raise the Age Legislation (the "Project"); and

WHEREAS, the County expects to finance the Project on a long-term basis with the proceeds of tax-exempt bonds (the "Bonds") issued by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the County must provide interim financing to cover a portion of the initial costs of the Project which will be incurred prior to receipt of the proceeds of the Bonds because the Bonds will not be issued by DASNY until mid to late Spring 2023; and

WHEREAS, it is necessary, desirable, and in the best interests of the County to advance moneys from its operating funds on an interim basis to pay a portion of the initial costs of the Project until the Bonds are issued, at which time Bond proceeds will be used to reimburse the County for operating funds advanced for the Project; and

WHEREAS, the United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") prescribe conditions under which the proceeds of bonds, notes or other obligations may be used to reimburse advances made for capital expenditures paid before the issuance of such bonds, notes or other obligations to meet the requirements of Section 103 and 141-150 of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Legislators of the County, that:

Section 1. Expenditure of Funds. The County intends to make expenditures as needed from its operating funds to pay a portion of the initial costs of the Project, not to exceed Five Million (\$5,000,000.00) Dollars, until Bond proceeds become available.

Section 2. Declaration of Official Intent. The County hereby officially declares its intent under the Reimbursement Regulations to reimburse such expenditures, originally paid from the County's operating funds, with proceeds of the Bonds, the principal amount of which is estimated to be an amount not to exceed \$5,000,000.00.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the County pursuant to its budget or financial policies.

Section 4. Effective Date. This Resolution shall take effect immediately.

STATE OF NEW YORK )  
 ) ss.  
COUNTY OF WESTCHESTER )

I HEREBY CERTIFY that I have compared the foregoing Act No. 129 - 2022, and Resolution No. 171 - 2022, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and Resolution, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on October 3, 2022, and approved by the County Executive on October 4, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 6<sup>th</sup> day of October, 2022.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

