

ACT NO. -20\_\_\_\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED OCTOBER 5, 2015 IN RELATION TO THE CONSTRUCTION OF RENOVATIONS OF THE THIRD FLOOR OF THE LOW RISE BUILDING, AT THE MAXIMUM ESTIMATED COST OF \$17,345,000. (Adopted \_\_\_\_\_, 20\_\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$700,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the construction of renovations to the third floor of the Low Rise Building, pursuant to Act No. 179-2015 duly adopted on October 5, 2015; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

**Section (A).** The bond act duly adopted by this Board on October 5, 2015, entitled:

“ACT NO. 179-2015

BOND ACT AUTHORIZING THE ISSUANCE OF \$700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE

COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE RENOVATIONS OF THE THIRD FLOOR OF THE LOW RISE BUILDING; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$700,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$17,345,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RENOVATIONS TO THE THIRD FLOOR OF THE LOW RISE BUILDING INCLUDING THE OFFICES OF THE COUNTY CLERK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$17,345,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$17,345,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$17,345,000 bonds of the County, or so much thereof

as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of renovations to the third floor of the Low Rise Building including the offices of the County Clerk, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$17,345,000. The plan of financing includes the issuance of \$17,345,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$17,345,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty-five (25) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$17,345,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$17,345,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act 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 Board of Legislators 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. Each of the bonds authorized by this Act 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 Westchester, 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 7. The validity of the bonds authorized by this Act 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 Act 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. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

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

**Section (C).** This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK )

: ss.:

COUNTY OF NEW YORK )

I HEREBY CERTIFY that I have compared the foregoing Act No. -20 \_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The Clerk and Chief Administrative Office of the County Board of Legislators County of Westchester, New York

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on October 5, 2015 and amended on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$17,345,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RENOVATIONS TO THE THIRD FLOOR OF THE LOW RISE BUILDING INCLUDING THE OFFICES OF THE COUNTY CLERK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$17,345,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$17,345,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on October 5, 2015 and amended on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction and construction management of renovations to the third floor of the Low Rise Building including the offices of the County Clerk, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued: and period of probable usefulness: \$17,345,000; twenty-five (25) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

Project ID:\*

B0082

CBA

Fact Sheet Date:\*

01-04-2021

Fact Sheet Year:\*

2021

Project Title:\*

LOW RISE BUILDING RENOVATION, 8,  
WHITE PLAINS

Legislative District ID:

Category\*

BUILDINGS, LAND &  
MISCELLANEOUS

Department:\*

PUBLIC WORKS

CP Unique ID:

1576

**Overall Project Description**

This project involves the renovation of the Low Rise Building in White Plains.

Best Management Practices

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	21,465	9,700	2,750	0	0	0	0	9,015
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	21,465	9,700	2,750	0	0	0	0	9,015

**Expended/Obligated Amount (in thousands) as of : 1,475**

**Current Bond Description:** Funding is requested for construction management and construction associated with the renovations of the third floor in the Low Rise Building including the offices of the County Clerk.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	16,645,000
Cash:	0
Total:	<b>\$ 16,645,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

16,645,000

**Comments:**

A Capital Budget Amendment in the amount of \$9,015,000 (shown under review) is being requested to provide additional funding based upon the current cost estimates. (Amend BA #179-2015)

**Energy Efficiencies:**

THE RENOVATIONS WILL INCLUDE LED LIGHTING AND WATER-EFFICIENT FIXTURES IN THE RESTROOMS.

**Appropriation History:**

Year	Amount	Description
2006	1,370,000	DESIGN - COUNTY CLERK; DESIGN AND CONSTRUCTION - DISTRICT ATTORNEY'S OFFICES
2007	8,330,000	RENOVATION OF 35,000 SQ FT OF OFFICE SPACE AT THE COUNTY CLERKS' OFFICE

**Total Appropriation History:**

9,700,000



Year	Bond Act #	Amount	Issued	Description
06	212	620,000	286,497	PRELIMS: LOW RISE BUILDING REHAB.- COUNTY CLERK'S OFFICE
06	E-212	-285,593	-285,593	
06	213	750,000	750,000	PARTIAL RECON. OF DISTRICT ATTORNEY'S OFFICE
15	179	700,000	401,438	LOW RISE BUILDING RENOVATION, WHITE PLAINS

**Total Financing History:**

1,784,407

**Recommended By:**

**Department of Planning**

WBB4

**Date**

02-22-2021

**Department of Public Works**

RJB4

**Date**

02-22-2021

**Budget Department**

LMY1

**Date**

02-24-2021

**Requesting Department**

RJB4

**Date**

02-24-2021

## LOW RISE BUILDING RENOVATION, WHITE PLAINS ( B0082 )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project without physical planning aspects of concern to the Westchester County Planning Board.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	12,450	9,700	1,600	2,750					
Non County Share									
<b>Total</b>	<b>12,450</b>	<b>9,700</b>	<b>1,600</b>	<b>2,750</b>					

### **Project Description**

This project involves the renovation of the Low Rise Building in White Plains.

### **Current Year Description**

The current year request funds improvements to the first and second floors of the building, in addition to supplemental HVAC upgrades.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2021	2,750,000			2,750,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
2006	1,370,000	Design - County Clerk; Design and construction - District Attorney's offices	COMPLETE
2007	8,330,000	Renovation of 35,000 sq ft of office space at the County Clerks' office	\$700,000 - DESIGN ; \$7,630,000 - AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>9,700,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	9,700,000	1,437,935	8,262,065
<b>Total</b>	<b>9,700,000</b>	<b>1,437,935</b>	<b>8,262,065</b>

**LOW RISE BUILDING RENOVATION, WHITE PLAINS  
( B0082 )**

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
212 06	620,000	10/24/12	147,917	333,503
		10/24/12	15,083	
		10/24/12	1,247	
		11/19/15	1,675	
		11/19/15	325	
		11/19/15	3	
		04/30/20	120,247	
213 06	750,000	12/02/10	750,000	
		12/02/10	(750,000)	
		11/30/11	655,442	
		11/30/11	94,558	
179 15	700,000	12/10/19	57,017	298,562
		12/10/19	11,260	
		04/30/20	333,161	
E-212 06	(285,593)			(285,593)
<b>Total</b>	<b>1,784,407</b>		<b>1,437,935</b>	<b>346,472</b>