

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED OCTOBER 5, 2015 IN RELATION TO FINANCING THE COST OF INFRASTRUCTURE IMPROVEMENTS AT THE LOW RISE BUILDING IN WHITE PLAINS; AT THE TOTAL ESTIMATED COST OF \$10,360,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning HVAC infrastructure improvements at the Low Rise Building located at 110 Dr. Martin Luther King Jr. Boulevard in White Plains, at the estimated maximum cost of \$250,000, pursuant to Act No. 181-2015 duly adopted on October 5, 2015, and it has now been determined that the period of probable usefulness for such planning may be increased so that it shall be equal to the period of probable usefulness for such improvements; and

WHEREAS, it is now appropriate to authorize and expand the scope of such improvements, and it is necessary to increase the appropriation for such project by \$10,110,000 for estimated costs of such improvements;

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:

“(BOND) ACT NO. 181-2015

BOND ACT AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING HVAC INFRASTRUCTURE IMPROVEMENTS AT THE LOW RISE BUILDING IN WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$250,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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 \$10,360,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS AT THE LOW RISE BUILDING IN WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,360,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,360,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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, to the provisions of other laws applicable thereto, \$10,360,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of infrastructure improvements at the Low Rise Building located at 110 Dr. Martin Luther King Jr. Boulevard in White Plains, including upgrades to the building mechanical systems, installation of fire sprinklers (suppression system) throughout the first and second floors, renovations to the lobbies and hallways of the first and second floors and associated work; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$10,360,000. The plan of financing includes the issuance of \$10,360,000 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.

Section 2. The existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) 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 \$10,360,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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 6. 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 7. 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.

* * *

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 \$10,360,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS AT THE LOW RISE BUILDING IN WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,360,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,360,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of infrastructure improvements at the Low Rise Building located at 110 Dr. Martin Luther King Jr. Boulevard in White Plains, including upgrades to the building mechanical systems, installation of fire sprinklers (suppression system) throughout the first and second floors, renovations to the lobbies and hallways of the first and second floors and associated work; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$10,360,000; fifteen (15) 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:*

B0104

CBA

Fact Sheet Date:*

01-04-2021

Fact Sheet Year:*

2021

Project Title:*

LOW RISE BUILDING
IMPROVEMENTS, WHITE PLAINS
(2015-2019)

Legislative District ID:

8,

Category*

BUILDINGS, LAND &
MISCELLANEOUS

Department:*

PUBLIC WORKS

CP Unique ID:

1577

Overall Project Description

This project will fund the design and construction of various infrastructure improvements at the Low Rise Building. Rehabilitation will include but not limited to masonry repairs, window and door replacement/repairs, waterproofing/cleaning, flooring repairs, painting, security & lighting systems, site renovations, walkways and driveway repairs, plumbing, data/telephone, HVAC, lighting, and electrical distribution systems.

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	10,360	3,100	0	0	0	0	0	7,260
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	10,360	3,100	0	0	0	0	0	7,260

Expended/Obligated Amount (in thousands) as of : 184

Current Bond Description: Funding is requested for construction management and construction associated with the infrastructure improvements at the Low Rise Building in White Plains.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,110,000
Cash:	0
Total:	\$ 10,110,000

SEQR Classification:

TYPE II

Amount Requested:

10,110,000

Comments:

A Capital Budget Amendment in the amount of \$7,260,000 (shown under review) is being requested to provide additional funding based upon the current cost estimates. (Amend BA #181-2015)

Energy Efficiencies:

THE HVAC INFRASTRUCTURE WILL UTILIZE ENERGY EFFICIENT EQUIPMENT WHICH WILL BE INTEGRATED INTO THE BUILDING MANAGEMENT SYSTEM.

Year	Amount	Description
2015	2,850,000	HVAC INFRASTRUCTURE IMPROVEMENTS
2020	250,000	COST ESCALATION

Total Appropriation History:

3,100,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	181	250,000		0 LOW RISE BUILDING IMPROVEMENTS, WHITE PLAINS (2015-2019)

Total Financing History:

250,000

Recommended By:

Department of Planning
WBB4

Date
02-22-2021

Department of Public Works
RJB4

Date
02-25-2021

Budget Department
LMY1

Date
02-25-2021

Requesting Department
RJB4

Date
02-25-2021

LOW RISE BUILDING IMPROVEMENTS, WHITE PLAINS (2015-2019) (B0104)

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	3,100	3,100	184						
Non County Share									
Total	3,100	3,100	184						

Project Description

This project will fund the design and construction of various infrastructure improvements at the Low Rise Building. Rehabilitation will include but not limited to masonry repairs, window and door replacement/repairs, waterproofing/cleaning, flooring repairs, painting, security & lighting systems, site renovations, walkways and driveway repairs, plumbing, data/telephone, HVAC, lighting, and electrical distribution systems.

Current Year Description

There is no current year request.

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
2015	2,850,000	HVAC Infrastructure Improvements	\$250,000 - DESIGN; \$2,600,000 - AWAITING BOND AUTHORIZATION
2020	250,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	3,100,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,100,000		3,100,000
Total	3,100,000		3,100,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
181 15	250,000			250,000
Total	250,000			250,000