

ACT NO. _____ - 2021

AN ACT to authorize the Chairman of the Board of Legislators or his authorized designee to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County's issuance of bonds for an increase and improvement of facilities of County Water District No. 1

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester ("Board") as follows:

Section 1. This Board found, after holding a public hearing pursuant to Section 268 of Article 5-A of the New York County Law, that the proposed increase and improvement to Westchester County Water District No. 1 (the "District"), described as capital project WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance ("WD104") as set forth in the District Report of the Department of Environmental Facilities dated July 1, 2021 (the "District Report"), at a maximum estimated cost of Six Million Dollars (\$6,000,000), is in the public interest as it is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities. Accordingly, Act No. _____-2021 was duly adopted by this Board on _____, 2021.

§2. This Board finds that pursuant to Section 268 of Article 5-A of the New York County Law, in order to proceed with the proposed increase and improvement to the District, approval of the Comptroller of the State of New York is required.

§3. The Chairman of the Board of the Board or his authorized designee is hereby directed and empowered to execute all instruments and take all actions reasonable, necessary and

appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York County Law for an order approving the County's issuance of bonds of the County in an amount not to exceed Six Million (\$6,000,000) Dollars for the proposed increase and improvement of District facilities substantially in accordance with the District Report.

§4. This Act shall take effect immediately.

RESOLUTION NO. ____ - 2021

WHEREAS, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators duly established Water District No. 1 (the "District") in the County of Westchester, New York by Act No. 29-1964; and

WHEREAS, by Act No. ____-2021, which was duly adopted by this Honorable Board on ____, 2021, pursuant to the requirements of Section 268 of the New York County Law, this Board found that the proposed increase and improvement of facilities of the District described as capital project WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104”) as set forth in the report of the Department of Environmental Facilities dated July 1, 2021 (the "District Report"), is in the public interest, as it will ensure a continuous, uninterrupted supply of compliant water to the District; and

WHEREAS, pursuant to Article 5-A of the New York County Law, in order to proceed with the proposed increase and improvement of the facilities of the District, approval of the Comptroller of the State of New York (the “State Comptroller”) is required; and

WHEREAS, by Act No. ____-2021, the Chairman of the Board of Legislators or his authorized designee, was directed to make an application to the State Comptroller (“Application”) for an order approving the expenditure for the increase and improvement of District facilities, which design and construction management for WD104 is to be financed by previously authorized bonds of the County in the amount of Five Hundred Thousand (\$500,000) Dollars and the issuance of bonds of the County in an amount not to exceed Two Million (\$2,000,000) Dollars with an additional issuance of bonds of the County at a later date in an amount not to exceed Three Million Five Hundred Thousand (\$3,500,000) Dollars for the construction of WD104; and

WHEREAS, the regulations of the State Comptroller require that additional determinations be made by this Board with respect to the Application to the State Comptroller.

NOW, THEREFORE, BE IT

RESOLVED, that by Act No. _____-2021, which was duly adopted by this Honorable Board on _____, 2021, this Honorable Board, directed the preparation of the Application to the State Comptroller; and it is further

RESOLVED, that this Honorable Board, believes that the contents of the Application to the State Comptroller, which has been submitted to this Board for review, are accurate; and it is further

RESOLVED, that this Honorable Board, having adopted Act No. _____-2021, which found that the improvements proposed in the District Report were in the public interest, and now, having reviewed the Application to the State Comptroller, reaffirms its earlier determination and further finds that the proposed improvements will not constitute an undue burden on the property which will bear the cost thereof and to the extent that the cost of the proposed improvements will be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded; and it is further

RESOLVED, that this Resolution shall take effect immediately.