

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED OCTOBER 15, 2018 IN RELATION TO THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, AT THE MAXIMUM ESTIMATED COST OF \$3,870,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$70,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the County's share of the cost of a flood mitigation project in the Village of Rye Brook in the Avon Circle area, pursuant to Act No. 171-2018 duly adopted on October 15, 2018; 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 15, 2018, entitled:

"ACT NO. 171-2018

BOND ACT AUTHORIZING THE ISSUANCE OF \$70,000 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 FLOOD

MITIGATION; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$70,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$70,000 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:

ACT NO. -20 _____

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,870,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY’S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,870,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,870,000 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, an Intermunicipal Agreement between the County and the Village of Rye Brook, and to the provisions of other laws applicable thereto; \$3,870,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County’s share of the cost of a flood mitigation project in the Village of Rye Brook as described in said municipality’s Project Applications to the County under the Westchester County Flood Action Program, in

particular the implementation of a project to alleviate flooding in the area of Avon Circle and Westchester Avenue in the Village of Rye Brook, identified as Flood Problem Area RYB-3 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed, 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 total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$3,870,000. The plan of financing includes the issuance of \$3,870,000 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 period of probable usefulness of the specific object or purpose for which said \$3,870,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.3 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 \$3,870,000. 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 \$3,870,000 as the estimated total cost of the aforesaid objects or purposes 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 15, 2018 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 \$3,870,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,870,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,870,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on October 15, 2018 and amended on _____, 20____)

object or purpose: to finance the County's share of the cost of a flood mitigation project in the Village of Rye Brook as described in said municipality's Project Applications to the County under the Westchester County Flood Action Program, in particular the implementation of a project to alleviate flooding in the area of Avon Circle and Westchester Avenue in the Village of Rye Brook, identified as Flood Problem Area RYB-3 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed, 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: \$3,870,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:*

BPL26

CBA

Fact Sheet Date:*

05-26-2023

Fact Sheet Year:*

2023

Project Title:*

FLOOD MITIGATION

Legislative District ID:

6, 7

Category*

BUILDINGS, LAND &
MISCELLANEOUS

Department:*

PLANNING

CP Unique ID:

2236

Overall Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Best Management Practices

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other(FLOOD MITIGATION)

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	89,250	31,750	17,500	5,000	5,000	5,000	5,000	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	89,250	31,750	17,500	5,000	5,000	5,000	5,000	20,000

Expended/Obligated Amount (in thousands) as of: 8,257

Current Bond Description: This funding request is for the implementation of a project to alleviate flooding in the area of Avon Circle and Westchester Avenue in the Village of Rye Brook, identified as Flood Problem Area RYB-3 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,800,000
Cash:	0
Total:	\$ 3,800,000

SEQR Classification:

TYPE I

Amount Requested:

3,800,000

Expected Design Work Provider:

County Staff

Consultant

Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A STUDY FOR A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS
2023	17,500,000	CONTINUATION OF THIS PROJECT FOR VARIOUS FLOOD MITIGATION PROJECTS THROUGHOUT THE COUNTY. \$17,000,000 FOR MAMARONECK/SHELDRAKE RIVERS, \$300,000 FOR TOWN OF MAMAONECK DRAINAGE STUDY, AND \$200,000 FOR CIFY OF YONKERS SCOTTI FIELD FLOOD PROJECT

Total Appropriation History:

49,250,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,875	2,502,239	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	70,000	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	108	300,000	123,508	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	0	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	0	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	0	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)
22	85	130,000	0	FLOOD MITIGATION-DOBBS FERRY (UNIQUES ID# 1948)
22	92	2,200,000	0	FLOOD MITIGATION-MAMARONECK (UNIQUE ID# 1857)
22	95	220,000	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953)
22	54	1,200,000	0	FLOOD MITIGATION-PEEKSKILL (UNIQUES ID# 1999)
23	23	2,500,000	0	RECONSTRUCT HILLSIDE AVENUE BRIDGE, VILLAGE OF MAMARONECK (UNIQUE ID#2001)

Total Financing History:

13,556,499

Recommended By:

Department of Planning
MLLL

Date
06-16-2023

Department of Public Works
RJB4

Date
06-16-2023

Budget Department
DEV9

Date
06-20-2023

Requesting Department
DSK2

Date
06-20-2023

FLOOD MITIGATION (BPL26)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	89,250	31,750	8,257	17,500	5,000	5,000	5,000	5,000	20,000
Non County Share									
Total	89,250	31,750	8,257	17,500	5,000	5,000	5,000	5,000	20,000

Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds continuation of this project for various flood mitigation projects throughout the County in the amount of \$10,000,000 along with \$7,000,000 for Mamaroneck/Sheldrake Rivers, \$300,000 for Town of Mamaroneck Drainage Study, and \$200,000 for City of Yonkers Scotti Field flood projects.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	17,500,000			17,500,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	PARTIALLY IN PROGRESS
2013	5,000,000	Flood related projects	AWAITING BOND AUTHORIZATION
2015	150,000	Design of a study for a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
2022	11,000,000	The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers	DESIGN
Total	31,750,000		

FLOOD MITIGATION (BPL26)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	31,750,000	6,009,371	25,740,629
Total	31,750,000	6,009,371	25,740,629

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance		
79 09	900,000	12/02/10	358,000	499		
		12/02/10	(358,000)			
		11/30/11	522,141			
		11/30/11	77,859			
		11/19/15	250,434			
		11/19/15	48,566			
		11/19/15	501			
		140 09	2,441,625		10/24/12	740,494
					10/24/12	75,506
					10/24/12	6,240
12/10/13	852,989					
12/10/13	104,011					
12/10/13	2,925					
11/19/15	334,212					
11/19/15	64,813					
11/19/15	669					
12/15/16	259,766					
11 17	2,974,875	12/15/17	31,948	472,636		
		12/15/17	5,866			
		12/15/17	50			
		12/15/17	29,606			
		12/15/17	5,436			
		12/15/17	46			
		12/10/18	660,625			
		12/10/19	959,846			
		12/10/19	189,546			
		12/10/19	117,641			
12/10/19	23,231					
04/30/20	478,398					
171 18	70,000			70,000		
108 19	300,000	12/01/21	123,508	176,493		
247 19	1,000,000			1,000,000		
171 21	350,000			350,000		
175 21	270,000			270,000		

**FLOOD MITIGATION
(BPL26)**

85	22	130,000		130,000
92	22	2,200,000		2,200,000
95	22	220,000		220,000
Total		10,856,500	5,966,873	4,889,627