

REFERENCE RGC12  
RMUS3  
RMUS7  
RWPR4

ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED OCTOBER 17, 2022 IN RELATION TO FINANCING THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS AT VARIOUS COUNTY-OWNED FACILITIES, AT THE TOTAL ESTIMATED COST OF \$12,371,197 (Adopted , 20\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance all or a portion of the costs of the construction of recreational area improvements at various County-owned facilities, to wit: (a) the planning, construction of and construction management for a new maintenance facility for Dunwoodie Golf Course, (b) the planning, construction and construction management of a new restroom building, new septic system, renovations to the existing restrooms and associated infrastructure and site work at Muscoot Farm, (c) the planning, construction and construction management of parking lot and pathway improvements, drainage improvements, pasture fencing and associated site work and landscaping throughout Muscoot Farm, and (d) the planning, construction and construction management for improvements to various dams, spillways and riverbanks at the Ward Pound Ridge Reservation, at the estimated maximum cost of \$16,250,000, pursuant to Act No. 140-2022 duly adopted on October 17, 2022, and

WHEREAS, the County has previously borrowed \$251,197 pursuant to Act No. 140-2022 for project RGC12; and

HDW  
4027268.1 048034 LEG

4060525.2 048034

WHEREAS, it has now been determined that such bond act shall be amended to revise said scope of work and decrease a portion the amount of bonds authorized; and

WHEREAS, \$4,148,803 in remaining bond authorization for project RGC12 for the planning, construction of and construction management for a new maintenance facility for Dunwoodie Golf Course has been or will be authorized pursuant to another Bond Act;

Now, therefore,

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 17, 2022, entitled:

“(BOND) ACT NO. 140-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,520,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS AT VARIOUS COUNTY-OWNED FACILITIES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,520,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,520,000 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 \$12,371,197 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS AT VARIOUS COUNTY-OWNED FACILITIES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$12,371,197; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$12,371,197 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 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, \$12,371,197 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance all or a portion of the costs of the construction of recreational area improvements at various County-owned facilities, to wit: (a) the planning, construction of and construction management for a new maintenance facility for Dunwoodie Golf Course, (b) the planning, construction and construction management of a new restroom building, new septic system, renovations to the existing restrooms and associated infrastructure and site work at Muscoot Farm, (c) the planning, construction and construction management of parking lot and pathway improvements, drainage improvements, pasture fencing and associated site work and landscaping throughout Muscoot Farm, and (d) the planning,

construction and construction management for improvements to various dams, spillways and riverbanks at the Ward Pound Ridge Reservation; 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 total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$12,371,197. The plan of financing includes the issuance of \$12,371,197 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 class of objects or purposes for which said \$12,371,197 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 19(c) 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 total amount of \$12,371,197. 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 \$12,371,197 as the estimated total cost of the aforesaid class of 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.

\* \* \*

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on October 17, 2022 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 \$12,371,197 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS AT VARIOUS COUNTY-OWNED FACILITIES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$12,371,197; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$12,371,197 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on October 17, 2022 and amended on \_\_\_\_\_, 20\_\_)

object or purpose: to finance all or a portion of the costs of the construction of recreational area improvements at various County-owned facilities, to wit: (a) the planning, construction of and construction management for a new maintenance facility for Dunwoodie Golf Course, (b) the planning, construction and construction management of a new restroom building, new septic system, renovations to the existing restrooms and associated infrastructure and site work at Muscoot Farm, (c) the planning, construction and construction management of parking lot and pathway improvements, drainage improvements, pasture fencing and associated site work and landscaping throughout Muscoot Farm, and (d) the planning, construction and construction management for improvements to various dams, spillways and riverbanks at the Ward Pound Ridge Reservation; all as set forth in the County’s Current Year Capital Budget, as amended.

amount of obligations to be issued: \$12,371,197; fifteen (15) years  
and period of probable usefulness:

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

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