

CALL TO ORDER

Chairman Isabel called the Regular Meeting of the Montgomery County Legislature for November 24, 2020 to order at 7:00 PM.

Given the current State, Federal and County bans on large meetings due to COVID-19 in conjunction with Governor Cuomo's Executive Order 202.15, extended by Executive Order 202.60 this meeting will also be held electronically via teleconference starting at 7:00 pm. Members of the public may listen to the meeting by calling 1-872-240-3212, Access Code 477-699-853. Minutes of the meeting will be transcribed and later posted on the Montgomery County website at www.co.montgomery.ny.us.

ROLL CALL OF MEMBERS

Legislators present were:

Martin P. Kelly, Legislator, District 1
Brian D. Sweet, Legislator, District 2
John W. Thayer, Legislator, District 3
Robert Headwell, Jr., Legislator, District 4
Daniel P. Wilson, Legislator, District 5
John M. Duchessi, Legislator, District 6
Michael J. Pepe, Legislator, District 7
Joseph A. Isabel, Chairman of the Legislature, Legislator, District 8
Robert A. Purtell, Legislator, District 9

SALUTE TO THE FLAG

Chairman Isabel led the Salute to the Flag.

MOMENT OF SILENCE

PUBLIC COMMENT AND PRESENTATION

There was no public comment

COMMUNICATIONS

none

OLD BUSINESS

The County Executive line item vetoed Resolution 189 of 2020. The County Legislature took no action on the veto.

NEW BUSINESS

A. Resolutions

B. Other

RESOLUTION NO. 190 of 2020

DATED: 11/24/2020

Resolution by Legislator: Kelly
Seconded by Legislator: Thayer

RESOLUTION ESTABLISHING NEGATIVE DECLARATION IN A SEQR DETERMINATION FOR PARCEL INCLUSION INTO AGRICULTURAL DISTRICT NO. 2 (ECONOMIC DEVELOPMENT AND PLANNING)

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law established a mechanism on an annual basis for parcels of land comprised of predominately viable agricultural land to be included within the state's agricultural Districts; and

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law sets forth the requirement that the Legislative Body in every county in New York State with existing Agricultural Districts must designate an annual 30-day period during which landowners may apply for inclusion of their agriculturally viable land in the Agricultural Districts; and

WHEREAS, Montgomery County Legislative Resolution No. 135 of 2004 established an annual thirty-day period extending from September 1 to September 30 during which landowners may submit such requests to the Legislature to include their properties in the Agricultural Districts; and

WHEREAS, during the one-month period extending from September 1, 2020 to September 30, 2020, the Montgomery County Farmland Protection Board received one such application on behalf of the Legislature from John Messer for Parcel #'s 73-2-4.2 and 73-2-21; and

WHEREAS, County legislative bodies adopt, review, modify, and consolidate agricultural districts pursuant to AML §§303, 303-a, 303-b, and 303-c, which is subject to review under the State Environmental Quality Review Act (SEQR) and is classified as an Unlisted Action pursuant to the regulations found in 6 NYCRR, Part 617; and

WHEREAS, the County Legislature has designated itself as lead agency; and

WHEREAS, the County Legislature has reviewed all the pertinent information with regard to SEQR, including Part I of the Short EAF; and

WHEREAS, the County Legislature completed Part II of the Short EAF as lead agency for the project pursuant to regulations found in 6 NYCRR, Part 617 determined that the project will not have a significant effect upon the environment.

RESOLVED, that Montgomery County Legislature determines that this project will not have a significant effect on the environment; and

FURTHER RESOLVED, that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and

FURTHER RESOLVED, that the Montgomery County Executive is authorized and directed to take any actions necessary to effectuate this resolution including signing the EAF.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Resolution establishes negative declaration in association with the inclusion of a parcels into Agricultural District #2.

II. Justification:

A determination of SEQR is required in order to take action on said inclusion

III. Legislative Impact:

Authorized pursuant to Article 2 of the Charter.

IV. Financial Impact:

None

RESOLUTION NO. 191 of 2020

DATED: 11/24/2020

Resolution by Legislator: Pepe
Seconded by Legislator: Wilson

RESOLUTION FOR PROPERTY OWNER REQUEST TO BE INCLUDED WITHIN MONTGOMERY COUNTY CERTIFIED

AGRICULTURAL DISTRICT 2 (ECONOMIC DEVELOPMENT AND PLANNING)

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law established a mechanism on an annual basis for parcels of land comprised of predominately viable agricultural land to be included within the state’s agricultural Districts; and

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law sets forth the requirement that the Legislative Body in every county in New York State with existing Agricultural Districts must designate an annual 30-day period during which landowners may apply for inclusion of their agriculturally viable land in the Agricultural Districts; and

WHEREAS, Montgomery County Legislative Resolution No. 135 of 2004 established an annual thirty-day period extending from September 1 to September 30 during which landowners may submit such requests to the Legislature to include their properties in the Agricultural Districts; and

WHEREAS, during the one-month period extending from September 1, 2020 to September 30, 2020, the Montgomery County Farmland Protection Board received one such application on behalf of the Legislature; and

WHEREAS, subsequently the Agricultural and Farmland Protection Board submitted its report with recommendation as to that request to the Legislature; and

WHEREAS, after proper Notice of Public Hearing, the Legislature held a public hearing on November 24, 2020, with respect to the above and heard all those wishing to address the matter at said public hearing; and

WHEREAS, New York State Agriculture and Markets Law Section 303-b requires the County Legislature, following such public hearing to adopt or reject the proposed request for inclusion of land within an existing Agricultural District; and

WHEREAS, the report and recommendations of the Agricultural Farmland Protection Board are on file with the Clerk of the Montgomery County Legislature; and

WHEREAS, the Legislature has considered the matter including the report and recommendation of the Agricultural Farmland Protection Board at the public hearing, now, therefore, be it

RESOLVED, that the Montgomery County Legislature hereby adopts the recommendations of the Agricultural and Farmland Protection Board and adopts the request of the landowner to include their land within an existing certified Agricultural District as set forth below:

LANDOWNER	TOWN	SWIS CODE	PARCEL NUMBER	ACRES	DISTRICT
John Messer	Amsterdam	272089	73-2-4.2	39.3	2
John Messer	Amsterdam	272089	73-2-21	1.2	2

FURTHER RESOLVED, that the Clerk of the Legislature shall submit a copy of this Resolution together with the report of the Montgomery County Agricultural and Farmland Protection Board, and the tax map identification number and tax map for the parcel of land to be included in the Agricultural District 2, to the New York State Commissioner of Agriculture and Markets.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Resolution authorizes inclusion of parcel into Agricultural District #2.

II. Justification:

There has been a request during the 30 day period to have a parcel included into Agricultural District #2.

III. Legislative Impact:

Section 303-b of the New York State Agriculture and Markets Law established a mechanism on an annual basis for parcels of land comprised of predominately viable agricultural land to be included within the state’s agricultural Districts and Montgomery County Legislative Resolution No. 135 of 2004 established an annual thirty-day period extending from September 1 to

September 30 during which landowners may submit such requests to the Legislature to include their properties in the Agricultural Districts.

IV. Financial Impact:

Could result in an Agricultural Tax Exemption for the property if the owner produces over the threshold established by Ag & Markets which is \$10K annually.

RESOLUTION NO. 192 of 2020

DATED: 11/24/2020

Resolution by Legislator: Thayer
Seconded by Legislator: Sweet

RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN RENEWAL AGREEMENT - 2021 TRANSPORTATION OF FULTON COUNTY VETERANS - YOUTH & VETERANS' SERVICES

WHEREAS, the Executive Director of Youth & Veterans' Services has recommended that Montgomery County continue to transport Fulton County veterans to and from the VA Medical Center in Albany, NY; and

WHEREAS, municipal corporations have the power to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, the proposed agreement would benefit both Montgomery County and Fulton County.

RESOLVED, that the County Executive, following review and approval by the County Attorney, hereby is authorized and directed to sign a renewal agreement for the transportation of Fulton County veterans to and from the VA Medical Center in Albany, NY; and

FURTHER RESOLVED, that said Agreement shall be for a one-year period beginning on January 1, 2021 and ending on December 31, 2021, and

FURTHER RESOLVED, that said Agreement shall provide for transportation of Fulton County veterans, depending upon availability of space, at a charge of \$30.00 each way.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN RENEWAL AGREEMENT - TRANSPORTATION OF FULTON COUNTY VETERANS

II. Justification:

Fulton County's agreement to pay Montgomery County for transportation of Fulton County Veterans to and from the VA Hospital.

III. Legislative Impact:

Pursuant to Article 3 of the Charter the County Executive has the power to enter into contracts. Pursuant to General Municipal Law 119-o municipal corporations have the power to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis. Intermunicipal agreements must be authorized by a majority vote of the Montgomery County Legislature.

IV. Financial Impact:

Montgomery County will receive up to \$4,200 for performance of the contract.

RESOLUTION NO. 193 of 2020

DATED: 11/24/2020

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Purtell

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN A RENEWAL AGREEMENT WITH HM LIFE INSURANCE COMPANY OF NEW YORK (PERSONNEL)

WHEREAS, it have been recommended by the Personnel Officer that Montgomery County participate with HM Life Insurance Company of New York for medical and perscription stop loss coverage; and

WHEREAS, after going out to the market, HM Life Insurance Company of New York is the most competitive; and

WHEREAS, stop loss coverage applies in the event individual claims reach \$350,000.

RESOLVED, that the County Executive, following the review and approval by the County Attorney is authorized and directed to sign an agreement with HM Life Insurance Company of New York for the provision of the specific coverage at a cost of \$196,532; and

FURTHER RESOLVED, that said agreement shall be effective January 1, 2021 through December 31, 2021.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

PARTICIPATE WITH HM LIFE FOR MEDICAL and RX STOP LOSS COVERAGE

II. Justification:

HM LIFE FOR PROVIDES MEDICAL AND RX STOP LOSS COVERAGE IN THE EVENT INDIVIDUAL CLAIMS REACH \$350,000.

III. Legislative Impact:

PURSUANT TO SECTION 2.04 (B) OF THE CHARTER THE MONTGOMERY COUNTY LEGISLATURE HAS THE POWER TO MAKE APPROPRIATIONS AND PURSUANT TO ARTICLE 3 THE EXECUTIVE HAS THE AUTHORITY TO ENTER INTO CONTRACTS.

IV. Financial Impact:

THIS IS AN INCREASE OF \$19,139 OVER LAST YEAR.

RESOLUTION NO. 194 of 2020

DATED: 11/24/2020

Resolution by Legislator: Purtell

RESOLUTION AMENDING 2020 DELTA DENTAL RENEWAL AGREEMENT - (PERSONNEL)

WHEREAS, the renewal agreement with Delta Dental was approved by Resolution 300 of 2019; and

WHEREAS, the dates in Resolution 300 of 2019 indicated the effective period of January 1, 2020 through December 31, 2020; and

WHEREAS, the dates should have reflected a two year agreement with the effective period January 1, 2020 through December 31, 2021.

RESOLVED, that the Montgomery County Legislature hereby amends the last **RESOLVED CLAUSE** of Resolution 300 of 2019 to state that the agreement shall be effective from January 1, 2020 through December 31, 2021.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Amending effective dates of resolution 300 of 2019.

II. Justification:

Effective dates need to be revised in Resolution 300 of 2019.

III. Legislative Impact:

Pursuant to Article 3 of the Montgomery County Charter the Montgomery County Executive has the authority to enter into contracts.

IV. Financial Impact:

There is no financial impact this is a correction in effective date only and the rate of \$5.31 per employee per month remain in effect until 12/31/2021

RESOLUTION NO. 195 of 2020

DATED: 11/24/2020

Resolution by Legislator: Wilson
Seconded by Legislator: Thayer

RESOLUTION ADOPTING REVISED NON-BARGAINING POLICY FOR FULL-TIME/PART-TIME APPOINTED & DEPARTMENT HEADS (LABOR MANAGEMENT)

WHEREAS, the Montgomery County Legislature established a Non-Bargaining Personnel Policy by the adoption of Resloution 80 of 2017; and

WHEREAS, the policy is set to expire on 12/31/20 and it has been recommended by the County Executive that revisions be made to the Non-Bargaining Personnel Policy; and

WHEREAS, the Non-Bargaining Personnel Policy for Full-time/Part-Time Appointed & Department Heads with the revisions has been distrubuted to all members of the Montgomery County Legislature for their review.

RESOLVED, that the Montgomery County Legislature hereby approves of and adopts the revised Non-Bargaining Personnel Policy and

salary schedule for Non-Bargaining Personnel Policy for Full-Time/Part-Time Appointed & Department Heads as attached hereto and made a part hereof.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Update to Non-Bargaining Policy

II. Justification:

The Policy that is currently in place will expire on 12/31/20 and required an update.

III. Legislative Impact:

Article 2, Section 2.04 of the Montgomery County Charter states that the Montgomery County Legislature shall be the legislative, appropriating and policy-determining body of the County.

IV. Financial Impact:

There is a 1.75% increase to the base salary of titles included in the Policy which has been budgeted for in the 2021 proposed budget. The total increase for 2021 is \$66,313.00.

RESOLUTION NO. 196 of 2020

DATED: 11/24/2020

Resolution by Legislator: Pepe
Seconded by Legislator: Thayer

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW H (LOCAL LAW 7 OF 2020) - A LOCAL LAW ESTABLISHING SALARY SCHEDULE OF VARIOUS COUNTY OFFICIALS (COUNTY LEGISLATURE)

WHEREAS, the Montgomery County Legislature has adopted a non-bargaining policy which defines a salary schedule for all non-bargaining employees employed by Montgomery County; and

WHEREAS, a copy of this local law has been on the desks of the legislators for at least seven calendar days, exclusive of Sundays.

RESOLVED, that Local Law 7 of 2020 hereby is adopted and is incorporated as follows: "A LOCAL LAW ESTABLISHING SALARY SCHEDULE OF VARIOUS COUNTY OFFICIALS "

Be it enacted by the Legislature of the County of Montgomery as follows:

SECTION 1.

The Montgomery County Legislature hereby adopts an updated salary schedule for non-bargaining employees as attached hereto and made a part hereof to be effective through December 31, 2021.

SECTION 2.

This Local Law is subject to a permissive referendum, and will be submitted to a vote of qualified electors of the County of Montgomery, if, within 45 days after the date of which it was so adopted, there is filed with the Clerk of the Montgomery County Legislature a petition protesting against this Local Law, signed and authenticated as required by Section 24 of Municipal Home Rule Law, by qualified electors of Montgomery County registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said County; and

FURTHER RESOLVED, that the Clerk of the Legislature hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

FURTHER RESOLVED, this resolution is contingent upon the passage of a resolution adopting the new non-bargaining policy to be effective through 2021.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

A LOCAL LAW ESTABLISHING SALARY SCHEDULE OF VARIOUS COUNTY OFFICIALS

II. Justification:

As required by Section 24 of Municipal Home Rule Law

III. Legislative Impact:

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the power to enact this policy

IV. Financial Impact:

There is a 1.75% increase to the base salary of titles included in the Policy which has been budgeted for in the 2021 proposed budget. The total increase for 2021 is \$66,313.00.

RESOLUTION NO. 197 of 2020

DATED: 11/24/2020

Resolution by Legislator: Kelly
Seconded by Legislator: Headwell, Jr.

RESOLUTION AUTHORIZING COUNTY TREASURER TO DISBURSE MORTGAGE TAX MONEY

WHEREAS, Montgomery County collects a Mortgage Tax which pursuant to local law must be distributed to local municipalities of the County; and

WHEREAS, the County Treasurer disburses the Mortgage Tax funds bi-annually.

RESOLVED, that the Montgomery County Legislature hereby authorizes the County Treasurer to disburse Mortgage Tax money for the period April 1, 2020 through September 30, 2020; and

FURTHER RESOLVED, that said Treasurer is directed to take all necessary steps, under proper accounting procedure, to adjust the books of his office, effective immediately.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Authorization to disburse mortgage tax held in trust

II. Justification:

Authorization of governing body required to disburse mortgage tax.

III. Legislative Impact:

Authorized pursuant to Article 2 of the Charter.

IV. Financial Impact:

No financial impact to County, disbursing funds that have already been collected and being held in Trust account.

RESOLUTION NO. 198 of 2020

DATED: 11/24/2020

Resolution by Legislator: Kelly
Seconded by Legislator: Wilson

RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)

WHEREAS, pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment; and

WHEREAS, the County Auditor has audited claims for the period of October 28, 2020 through November 24, 2020; and the County Auditor recommends the payment of the claims as attached hereto in the "Abstract of Audited Claims".

RESOLVED, after examination and review of the claims by the County Auditor, the claims are audited and attached hereto, are hereby approved for payment by the Montgomery County Legislature.

RESOLUTION VOTE, passed with Aye(9). (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

APPROVING ABSTRACT OF AUDITED CLAIMS

II. Justification:

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

III. Legislative Impact:

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the audit committee, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

IV. Financial Impact:

no impact on the fund balance

Resolution by Legislator: Pepe
Seconded by Legislator: Headwell, Jr.

BOND RESOLUTION OF THE COUNTY OF MONTGOMERY, NEW YORK (THE "COUNTY"), DATED NOVEMBER 24, 2020, AUTHORIZING THE CONSTRUCTION OF A PUBLIC WORKS AND BUSINESS DEVELOPMENT FACILITY WITHIN THE COUNTY, ESTIMATING THE AGGREGATE COST THEREOF TO BE \$12,700,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,700,000.00 SERIAL BONDS OF THE COUNTY TO FINANCE SAID COST

WHEREAS, the County Legislature has heretofore approved funding for the construction of a public works and business development facility within the County (the "Project"); and

WHEREAS, the County Legislature desires to approve the method of financing the costs of such Project;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the County Legislature of the County of Montgomery, New York, (by a favorable vote of not less than two-thirds of all of its members), as follows:

SECTION 1

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the County hereby authorizes financing of the Project. The maximum aggregate cost of the Project is hereby estimated to be \$12,700,000.00, which shall be paid from the issuance of \$12,700,000.00 serial bonds to finance such costs.

SECTION 2

It is determined that the period of probable usefulness of the aforesaid specific objects or purposes are as follows:

Building – thirty (30) years pursuant to Section 11.00.a.11(a)(1) of the Law

SECTION 3

The plan of financing includes the issuance of \$12,700,000.00 serial bonds, the levy of a tax upon all of the real property in the County to pay the principal of and interest on said bonds as the same shall become due and owing.

SECTION 4

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the County intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

SECTION 5

The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

SECTION 6

The serial bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

SECTION 7

The County hereby covenants and agrees with the holders from time to time of the serial bonds of the County issued pursuant to this resolution, and any bond anticipation notes of the County issued in anticipation of the sale of said bonds, that the County will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the County, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

SECTION 8

Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no serial bonds shall be issued until all of the procedures and requirements set forth therein have been completed with respect to such project.

SECTION 9

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

SECTION 10

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Montgomery County Legislature relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the County, the chief fiscal officer of the County. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the County, the chief fiscal officer of said County. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as he shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

SECTION 11

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the County and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

SECTION 12

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any 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 such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

SECTION 13

This resolution shall be published in full in the designated official newspapers of the County for such purpose, together with a notice of the Clerk of the Montgomery County Legislature in substantially the form provided in Section 81.00 of the Law.

SECTION 14

This resolution shall take effect immediately.

RESOLUTION VOTE, passed with Aye(6). Legislators Sweet, Thayer and Purtell voted Nay. (11/24/2020)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Authorization to issue bonds to fund the construction of DPW/Business Development Facility

II. Justification:

To relocate the two (2) departments into a new facility out of flood zone

III. Legislative Impact:

Approval of a super majority (2/3 vote in favor) to issue bonds in the name of the County.

IV. Financial Impact:

Principal and interest payments to be included in subsequent operating budgets. Paid over the next thirty (30) years.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION by Legislator Thayer, seconded by Legislator Wilson, passed with Aye(9).

ACCEPTANCE OF BUDGETARY TRANSFERS

MOTION TO ACCEPT BUDGETARY TRANSFERS by Legislator Wilson, seconded by Legislator Headwell, Jr., passed with Aye(9).

ACCEPTANCE OF PROCUREMENT RECORD

ACCEPTANCE OF PROCUREMENT RECORD by Legislator Pepe, seconded by Legislator Headwell, Jr., passed with Aye(9).

ADJOURNMENT

MOTION TO ADJOURN by Legislator Headwell, Jr., seconded by Legislator Purtell, passed with Aye(9).

Respectfully submitted,

Cheryl A. Reese
Clerk of the Montgomery County
Legislature