



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

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No. 230354

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Legislature Of
Monroe County

Committee Assignment

URGENT

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November 9, 2023

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Amend the 2023 Capital Budget and Bond Resolution 295 of 2022, and Authorize an Interfund Transfer to Increase Funding for the Replacement of Voting Machines Project

This matter is being referred to Your Honorable Body at the request of Monroe County Board of Elections Commissioners Lisa Nicolay and Jackie Ortiz.

I recommend that Your Honorable Body amend the 2023 Capital Budget and Bond Resolution 295 of 2022 in the amount of \$1,500,000, from \$9,500,000 to \$11,000,000, and authorize an interfund transfer in the amount of \$1,000,000 for a total project authorization of \$12,000,000 for the Replacement of Voting Machines project.

The Replacement of Voting Machines project was approved pursuant to Resolution 295 of 2022, in anticipation of the New York State Board of Elections' certification of new voting machines. Monroe County's voting machines are now close to fifteen years old. In August of this year, the State Board of Elections certified various voting machines for use in New York State, and the Monroe County Board of Elections has decided to purchase ES&S ExpressVote XL voting machines.

The total project cost is now estimated to be \$12,000,000. The project cost will be offset by an award from the New York State Board of Elections (TIER Grant) in the amount of \$572,485.53.

The specific legislative actions required are:

1. Authorize an interfund transfer of \$1,000,000 from the Board of Elections, general fund 9001, fund center 2003010000, BOE support, to Capital fund 1996, Replacement of Voting Machines.

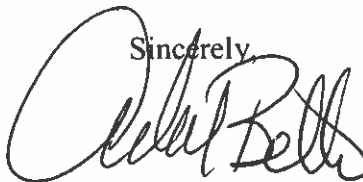
2. Amend the 2023 Capital Budget to increase funding for the Replacement of Voting Machines Project, in the amount of \$1,500,000, from \$9,500,000 to \$11,000,000, for a total project authorization of \$12,000,000.
3. Amend Bond Resolution 295 of 2022, to increase financing for the Replacement of Voting Machines Project, capital fund 1996, in the amount of \$1,500,000, from \$9,500,000 to \$11,000,000, for a total project authorization of \$12,000,000.

This action is a Type II Action pursuant to 6 NYCRR § 617.S(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

Funding for this project, consistent with authorized uses, will be available in capital fund 1996 once the additional financing authorization requested herein is approved, and in any capital fund(s) created for the same intended purpose.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Bello', written over the word 'Sincerely,'.

Adam J. Bello
Monroe County Executive

By Legislators _____ and _____

Intro No. _____

RESOLUTION NO. ____ OF 2023

**AUTHORIZING INTERFUND TRANSFER TO ESTABLISHED PROJECT
"REPLACEMENT OF VOTING MACHINES"**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Controller is hereby authorized to transfer \$1,000,000 from the 2023 operating budget of the Board of Elections, general fund 9001, fund center 2003010000, BOE Support, to capital fund 1996 for the project "Replacement of Voting Machines" to be included with Resolution No. ____ of 2023, which together authorize this project at an estimated maximum cost of \$12,000,000.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency
File No. 23-0

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators _____ and _____

Intro. No. _____

RESOLUTION NO. _____ OF 2023

SUPERSEDING BOND RESOLUTION DATED NOVEMBER 14, 2023

RESOLUTION AUTHORIZING THE ISSUANCE OF \$11,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE COSTS OF REPLACEMENT OF VOTING MACHINES IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$12,000,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON OCTOBER 11, 2022 (RESOLUTION NO. 295 OF 2022, AS AMENDED)

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF **NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH** OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of the replacement of voting machines in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$11,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$1,500,000 to pay the cost of the aforesaid class of objects or purposes (\$10,500,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid class of objects or purposes is ten (10) years, pursuant to subdivision 31 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$12,000,000, and the plan for the financing thereof is by the appropriation of \$1,000,000 from Capital fund 1996 and by the issuance of \$11,000,000 bonds of said County herein authorized, provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose. the County Executive, or his designee, is hereby authorized to accept and shall use such funds to redeem any outstanding indebtedness incurred for such purpose or apply it, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance – Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local

Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance – Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this 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

- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall supersede Resolution No. 295 of 2022, being a bond resolution dated October 11, 2022, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose to \$12,000,000, and to provide \$11,000,000 bonds therefor, an increase of \$1,500,000 over the \$9,500,000 bonds authorized under Resolution No. 295 of 2022.

Section 8. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Matter of Urgency
File No. 23-0

ADOPTION: Date: _____

Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____