

By Legislators McCabe and Smith

Intro. No. ____

RESOLUTION NO. ____ OF 2023

SUPERSEDING BOND RESOLUTION DATED MARCH 14, 2023

RESOLUTION AUTHORIZING THE ISSUANCE OF \$61,600,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE SPECIALIZED SECURE DETENTION FACILITY PROJECT, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$61,600,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON JUNE 8, 2021 (RESOLUTION NO. 184 OF 2021)

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 Specialized Secure Detention Facility Project, consisting of renovations and additions to existing facilities, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$61,600,000 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 \$25,000,000 to pay the cost of the aforesaid class of objects or purposes (\$36,600,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid class of objects or purposes is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 29, 2022, the date of the first obligations issued therefor.

Section 2. The maximum estimated cost thereof is \$61,600,000, and the plan for the financing thereof is by the issuance of \$61,600,000 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. 184 of 2021, being a bond resolution dated June 8, 2021, 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 \$61,600,000, and to provide \$61,600,000 bonds therefor, an increase of \$25,000,000 over the \$36,600,000 bonds authorized under Resolution No. 184 of 2021.

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.

Environment and Public Works Committee; February 27, 2022 - CV: 6-0

Ways and Means Committee; February 28, 2022 - CV: 11-0

File No. 23-0032.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

February 10, 2023

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

Subject: Amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget and Bond Resolution 184 of 2021 to Provide an Increase in Funding, and Authorize a Contract with DiPasquale Construction, Inc. for Construction Services for the Specialized Secure Detention Facility Project

Honorable Legislators:

I recommend that Your Honorable Body amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget and Bond Resolution 184 of 2021 to revise the scope of the project entitled "Specialized Secure Detention Facility Project," provide an increase in funding, and authorize a contract with DiPasquale Construction, Inc. for construction services for the specialized secure detention facility project.

This project includes the design and construction of new facilities at the Children's Detention Center ("CDC") as required by New York State's Raise the Age initiative. Phase One of the work has been completed, which involved reconstruction of a portion of Building 67 at the CDC to establish ten (10) initial beds for Adolescent Offenders. Phase Two of the project involves construction of new housing units to optimize accommodations for the fluctuating number of mixed populations of male and female Adolescent Offenders, Juvenile Offenders and Juvenile Delinquents, and expanding and modernizing the program space necessary for education, health care, counselling, security, administration, food service, and recreation so that proper sight-and-sound separation is achieved for the mixed populations of male and female Adolescent Offenders, Juvenile Offenders and Juvenile Delinquents.

Your Honorable Body, through Bond Resolution 184 of 2021, authorized financing in the amount of \$36,600,000 for Phases One and Two of the Specialized Secure Detention Project at the CDC. That original authorization was based on construction of twenty-four (24) new bedrooms and associated program space, plus the ten (10) bedroom built in Phase One, for a total occupancy of thirty-four (34) beds. Monroe County's Department of Human Services ("DHS") and the New York State Office of Children and Family Services ("OCFS"), which oversees Juvenile Offenders and Juvenile Delinquents, and Commission of Correction ("COC"), which oversees Adolescent Offenders, agreed that the number of beds and program space to meet the needs of the County and the region had to be increased. The project that was designed and bid includes the construction of forty-eight (48) new bedrooms and the associated increase in space necessary for programmatic needs. This results in a facility with a total occupancy of fifty-eight (58) bedrooms. The increased occupancy and programmatic space requirements for the CDC Phase Two Project results in the need to increase the total bonding authorization for the project in the amount of \$25,000,000 to \$61,600,000.

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Committee Assignment
ENV. & PUB. WORKS -L
WAYS & MEANS

The entire facility will be constructed to Specialized Secure Detention criteria in order to accommodate the placement and movement of Adolescent Offenders throughout the facility. OCFS and COC have been actively involved in the review of the design of the new fifty-eight (58) bed facility, included enhanced programmatic space. COC has approved the project at its November 2, 2022 Commission Meeting.

New York State reimburses the County for the value of construction at a rate of forty-nine percent (49%) for the Secured Detention costs and one-hundred percent (100%) for the Specialized Secure Detention costs.

The following bids were received January 17, 2023:

DiPasquale Construction, Inc.	\$42,062,000
Manning Squires Hennig Co., Inc.	\$46,207,000
Pike Construction Services, Inc.	\$46,347,000
Holdsworth Klimowski Construction, LLC	\$46,471,000

The bids have been reviewed and DiPasquale Construction, Inc. has been determined to be the lowest responsible bidder pursuant to General Municipal Law §103.

This project is scheduled to be considered by the Monroe County Planning Board on February 16, 2023.

The specific legislative actions required are:

1. Amend the 2023-2028 Capital Improvement Program to revise the scope of the project entitled "Specialized Secure Detention Facility Project."
2. Amend the 2023 Capital Budget to increase funding for the Specialized Secure Detention Facility Project in the amount of \$25,000,000, from \$0 to \$25,000,000, for a total project authorization of \$61,600,000.
3. Amend Bond Resolution 184 of 2021 to increase financing for the Specialized Secure Detention Facility Project, capital fund 1894, in the amount of \$25,000,000, from \$36,600,000 to \$61,600,000, for a total project authorization of \$61,600,000.
4. Authorize the County Executive, or his designee, to execute a contract with DiPasquale Construction, Inc., 5138 West Ridge Road, Spencerport, New York 14559 in the amount of \$42,062,000, for construction services for the Specialized Secure Detention Facility Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

This action is a Type I Action under the New York State Environmental Quality Review Act ("SEQRA"). Pursuant to Resolution 182 of 2021, the Monroe County Legislature issued a Negative Declaration for this action. No further action under SEQRA is required.


Funding for this project, consistent with authorized uses, will be available in capital fund 1894 once the additional financing authorization requested herein is approved, and in any capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither DiPasquale Construction, Inc., nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Christopher DiPasquale, President
Jason Colline, Vice President
Sunil P. Cheriyan, Chief Operations Officer
Jason McGuckin, Chief Financial Officer
Michael DePuyt, Senior Project Manager

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello
Monroe County Executive

AJB:db