

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2015039

BOND RESOLUTION DATED FEBRUARY 9, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$7,575,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE DEWEY BOZELLA SETTLED CLAIM.

WHEREAS, Dewey R. Bozella has brought a lawsuit in the United States District Court for the Southern District of New York wherein he claims to have been wrongfully convicted of the 1977 murder of Emma Crasper in the City of Poughkeepsie and seeks Twenty-Five Million Dollars (\$25,000,000) in damages plus attorneys' fees and costs; and

WHEREAS the parties had engaged in extensive mediation and settlement negotiations prior to the trial date; and

WHEREAS, as a result of these negotiations and the court's decision on pretrial motions as decided on January 8, 2015, the parties reached a settlement in principle prior to trial; and

WHEREAS, the lawsuit has been conditionally settled on the following general terms and conditions: approval of the settlement by the County of Dutchess evidenced by the adoption of this resolution; payment to Mr. Bozella of the sum total of Seven Million Five Hundred Thousand Dollar (\$7,500,000), which amount includes attorneys' fees and all costs incurred by either Mr. Bozella, his attorneys and/or anyone acting on his behalf in connection with all aspects of the investigation and any actions leading up to and including the litigation; a general release from Mr. Bozella to the County of Dutchess and former Assistant District Attorney William J. O'Neill; a Stipulation of Settlement executed in recordable form and suitable for filing with the court and no admission of liability, fault or wrong doing by the County of Dutchess or any of its departments, agencies or employees; and

WHEREAS, the Dutchess County Attorney and the County's trial counsel have advised that this settlement is in the best interests of the County; and

WHEREAS, the County has determined that this settlement is in its best interests of the County; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT RESOLVED, by the County Legislature of the County of Dutchess, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of a settled claim in the matter of *Dewey R. Bozella v. The County of Dutchess*, including incidental expenses in connection therewith, there are hereby authorized to be issued not exceeding \$7,575,000 serial bonds of said County pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said specific object or purpose is \$7,575,00 and that the plan of financing thereof is by the issuance of not exceeding \$7,575,000 bonds of the County authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 33(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said County of Dutchess, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds 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 bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds 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 Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. 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 object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes 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 days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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CERTIFICATION FORM

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF DUTCHESS    )

I, the undersigned Clerk of the County Legislature of the County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on February 9, 2015, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was \_\_\_\_\_ ayes and \_\_\_\_\_ noes, with \_\_\_\_\_ members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on \_\_\_\_\_, 2015, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

I FURTHER certify that all members of said Legislature had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this \_\_\_\_ day of February, 2015.

(CORPORATE SEAL)

\_\_\_\_\_  
Clerk, County Legislature

LEGAL NOTICE OF ESTOPPEL

The following entitled bond resolution, a summary of which is published herewith, has been adopted on February 9, 2015, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Dutchess, 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 date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is each available for public inspection during regular business hours at the Office of the Clerk of the Legislature for a period of twenty days from the date of publication of this Notice.

Dated: Poughkeepsie, New York,

February \_\_\_\_\_, 2015

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Clerk, County Legislature

RESOLUTION NO. \_\_\_\_\_, 2015

BOND RESOLUTION DATED FEBRUARY 9, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$7,575,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE DEWEY BOZELLA SETTLED CLAIM.

<b>Specific object or purpose:</b>	To pay settled claim in the matter of <i>Dewey R. Bozella v. The County of Dutchess</i>
<b>Period of probable usefulness:</b>	5 years
<b>Maximum estimated cost:</b>	\$7,575,000
<b>Amount of bonds to be issued:</b>	\$7,575,000 bonds

REVISED Background  
Resolution 2015039

Bozella Settled Claim			
<b>APPROPRIATIONS</b>			
<u>Increase</u>			
	A.1989.4463	Judgments and Claims	\$7,500,000
	A.1989.3900	Bond Issuing Costs	\$75,000
			<u>\$7,575,000</u>
<b>REVENUES</b>			
<u>Increase</u>			
	A.1989.57100	Serial Bonds	\$7,575,000
			<u>\$7,575,000</u>

Year 5  
 Amount 7,575,000.00  
 Interest rate 2.00%

\$7,575,000 @ 2.00%

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	\$7,575,000	\$1,515,000	\$151,500	\$1,666,500
2	6,060,000	1,515,000	121,200	1,636,200
3	4,545,000	1,515,000	90,900	1,605,900
4	3,030,000	1,515,000	60,600	1,575,600
5	1,515,000	<u>1,515,000</u>	<u>30,300</u>	<u>1,545,300</u>
<b>TOTAL</b>		<u>\$7,575,000</u>	<u>\$454,500</u>	<u>\$8,029,500</u>
<b>AVG. PER YEAR</b>		\$1,515,000	\$90,900	\$1,605,900

**FISCAL IMPACT STATEMENT**

TOTAL PRINCIPAL \$7,575,000  
 ANTICIPATED INTEREST RATE 2.00%  
 TERM 5 YEARS. ANTICIPATED FEES: \$75,000  
 ANTICIPATED ANNUAL COST (PRIN + INT): \$1,605,900  
 TOTAL PAYBACK (ANNUAL COST x TERMS): \$8,029,500