

RESOLUTION NO. 2015069

REFUNDING BOND RESOLUTION DATED APRIL 13, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 AND/OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the County of Dutchess, New York (hereinafter, the "County") heretofore issued an aggregate \$31,100,000 Public Improvement (Serial) Bonds, 2004, pursuant to various bond resolutions to pay the cost of various County purposes, such Public Improvement (Serial) Bonds, 2004, being dated December 15, 2004 and maturing or matured on December 15 annually (the "2004 Bonds"); and

WHEREAS, the County heretofore issued an aggregate principal amount of \$24,000,000 Public Improvement (Serial) Bonds, 2006, pursuant to various bond resolutions to pay the cost of various County purposes, such Public Improvement (Serial) Bonds, 2006, being dated December 15, 2006 and maturing or matured on December 15 annually (the "2006 Bonds"); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$4,450,000 outstanding principal balance of the 2004 Bonds maturing in 2015 and thereafter (the "2004 Refunded Bonds"), and the \$10,700,000 outstanding principal balance of the 2006 Bonds maturing in 2017 and thereafter (the "2006 Refunded Bonds", together with the 2004 Refunded Bonds, the "Refunded Bonds"), each by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

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

Section 1. For the object or purpose of refunding the outstanding aggregate \$15,150,000 principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$17,000,000 refunding bonds of the County pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "County Refunding Bonds" or the

“Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$16,165,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding bond issues. The County Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-15 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Commissioner of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Commissioner of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the

Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Commissioner of Finance.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Commissioner of Finance as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration

books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Commissioner of Finance providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Commissioner of Finance as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Commissioner of Finance, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Commissioner of Finance is also hereby authorized to act as the Fiscal Agent in

connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Commissioner of Finance 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 said Refunding Bonds, 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.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Commissioner of Finance, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and 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 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine. It is hereby determined that it is to the financial advantage of the School District not to impose and collect from registered owners of the Refunding 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.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for the objects or purposes for which such respective Refunded Bonds were issued is as described in Exhibit A attached hereto and hereby made a part hereof;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law or subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the respective series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding

Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$16,165,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Commissioner of Finance is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 and paragraph f of Section 90.10 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Commissioner of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the applicable requirements of Section 90.00 or 90.10 of the Local Finance Law, as applicable. The Commissioner of Finance shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the

Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Commissioner of Finance is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Commissioner of Finance shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Dutchess, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding 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 be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with

Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each respective series of Refunded Bonds which the Commissioner of Finance shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance

of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private negotiated sale or public competitive sale to an underwriter or purchaser as shall be determined by the Commissioner of Finance for purchase prices to be determined by the Commissioner of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Commissioner of Finance, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the underwriter thereof if sold at private negotiated sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Commissioner of Finance to the purchaser or the underwriter in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The Commissioner of Finance and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Commissioner of Finance and all powers in connection thereof are hereby delegated to the Commissioner of Finance.

Section 13. The validity of the Refunding Bonds 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 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the County Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: April 13, 2015.

EXHIBIT A

\$31,100,000 Public Improvement (Serial) Bonds, 2004

Objects and purposes, maximum estimated costs and serial bonds authorized, periods of probable usefulness, amortization methodology, bond resolution adoption dates, and dates of issuance of the first obligations therefor as further described in the Bond Determination Certificate related thereto dated December 9, 2004 incorporated herein by reference and the bond resolutions cited therein.

NOTE: A portion of said bonds was heretofore redeemed prior to maturity on December 15, 2014 from proceeds of an Escrow Contract dated November 29, 2005 between the County and Manufacturers and Traders Trust Company with proceeds from the County's participation in the New York Counties Tobacco Trust V Tobacco Settlement Pass-Through Bonds, Series 2005. The refunding contemplated by this refunding bond resolution is with regard to the outstanding, previously unrefunded portion of the 2015-2019 maturities as further described in the Preliminary Refunding Financial Plan attached hereto as Exhibit B.

AND

\$24,000,000 Public Improvement (Serial) Bonds, 2006

Objects and purposes, maximum estimated costs and serial bonds authorized, periods of probable usefulness, amortization methodology, bond resolution adoption dates, and dates of issuance of the first obligations therefor as further described in the Bond Determination Certificate related thereto dated December 12, 2006 incorporated herein by reference and the bond resolutions cited therein.

EXHIBIT B

PRELIMINARY REFUNDING FINANCIAL PLAN

COUNTY OF DUTCHESS, NEW YORK

Dutchess County

\$16,165,000 Public Improvement Refunding (Serial) Bonds, 2014

Prevailing 'AA' Rates plus 25 bps - 7.28.14

Refunding Summary

Dated 02/15/2015 | Delivered 02/15/2015

	2004 Bonds	2006 Bonds	Issue Summary
Sources Of Funds			
Par Amount of Bonds	\$4,555,000.00	\$11,610,000.00	\$16,165,000.00
Total Sources	\$4,555,000.00	\$11,610,000.00	\$16,165,000.00
Uses Of Funds			
Total Underwriter's Discount (0.650%)	29,607.50	75,465.00	105,072.50
Costs of Issuance	26,769.25	68,230.75	95,000.00
Deposit to Net Cash Escrow Fund	4,494,250.85	11,466,639.44	15,960,890.29
Rounding Amount	4,372.40	(335.19)	4,037.21
Total Uses	\$4,555,000.00	\$11,610,000.00	\$16,165,000.00
Flow of Funds Detail			
State and Local Government Series (SLGS) rates for Date of OMP Candidates	1/07/2015	1/07/2015	1/07/2015
Primary Purpose Fund Solution Method	Net Funded	Net Funded	Net Funded
Total Cost of Investments	\$4,494,250.85	\$11,466,639.44	\$15,960,890.29
Interest Earnings @ 0.551%	36.93	114,860.56	114,897.49
Total Draws	\$4,494,287.78	\$11,581,500.00	\$16,075,787.78
PV Analysis Summary (Net to Net)			
Net PV Cashflow Savings @ 1.973%(AIC)	239,569.22	485,941.15	724,738.96
Contingency or Rounding Amount	4,372.40	(335.19)	4,037.21
Net Present Value Benefit	\$243,941.62	\$485,605.96	\$728,776.17
Net PV Benefit / \$15,150,000 Refunded Principal	5.482%	4.538%	4.810%
Net PV Benefit / \$16,165,000 Refunding Principal	5.355%	4.183%	4.508%
Bond Statistics			
Average Life	2.612 Years	6.535 Years	5.430 Years
Average Coupon	1.2505121%	2.1039331%	1.9882665%
Net Interest Cost (NIC)	1.4994017%	2.2033928%	2.1079788%
Bond Yield for Arbitrage Purposes	1.9729500%	1.9729500%	1.9729500%
True Interest Cost (TIC)	1.5034347%	2.1995661%	2.1016559%
All Inclusive Cost (AIC)	1.2479493%	2.0913280%	1.9729500%

2015 Refunding - 1.8.15 | Issue Summary | 1/21/2015 | 10:18 AM

Dutchess County**\$16,165,000 Public Improvement Refunding (Serial) Bonds, 2014**

Prevailing 'AA' Rates plus 25 bps - 7.28.14

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
06/15/2015	-	-	88,137.83	88,137.83
12/15/2015	1,245,000.00	0.400%	132,206.75	1,377,206.75
06/15/2016	-	-	129,716.75	129,716.75
12/15/2016	1,175,000.00	0.810%	129,716.75	1,304,716.75
06/15/2017	-	-	124,958.00	124,958.00
12/15/2017	2,505,000.00	1.150%	124,958.00	2,629,958.00
06/15/2018	-	-	110,554.25	110,554.25
12/15/2018	2,355,000.00	1.450%	110,554.25	2,465,554.25
06/15/2019	-	-	93,480.50	93,480.50
12/15/2019	1,950,000.00	1.670%	93,480.50	2,043,480.50
06/15/2020	-	-	77,198.00	77,198.00
12/15/2020	1,405,000.00	1.850%	77,198.00	1,482,198.00
06/15/2021	-	-	64,201.75	64,201.75
12/15/2021	1,350,000.00	2.050%	64,201.75	1,414,201.75
06/15/2022	-	-	50,364.25	50,364.25
12/15/2022	875,000.00	2.210%	50,364.25	925,364.25
06/15/2023	-	-	40,695.50	40,695.50
12/15/2023	860,000.00	2.310%	40,695.50	900,695.50
06/15/2024	-	-	30,762.50	30,762.50
12/15/2024	875,000.00	2.410%	30,762.50	905,762.50
06/15/2025	-	-	20,218.75	20,218.75
12/15/2025	535,000.00	2.510%	20,218.75	555,218.75
06/15/2026	-	-	13,504.50	13,504.50
12/15/2026	525,000.00	2.580%	13,504.50	538,504.50
06/15/2027	-	-	6,732.00	6,732.00
12/15/2027	510,000.00	2.640%	6,732.00	516,732.00
Total	\$16,165,000.00	-	\$1,745,118.08	\$17,910,118.08

Yield Statistics

Bond Year Dollars	\$87,770.83
Average Life	5.430 Years
Average Coupon	1.9882665%
Net Interest Cost (NIC)	2.1079788%
True Interest Cost (TIC)	2.1016559%
Bond Yield for Arbitrage Purposes	1.9729500%
All Inclusive Cost (AIC)	1.9729500%
IRS Form 8038	
Net Interest Cost	1.9882665%
Weighted Average Maturity	5.430 Years

2015 Refunding - 1.8.15 | Issue Summary | 1/21/2015 | 10:18 AM

Dutchess County

\$16,165,000 Public Improvement Refunding (Serial) Bonds, 2014

Prevailing 'AA' Rates plus 25 bps - 7.28.14

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
12/31/2015	1,465,344.58	1,327,187.50	2,792,532.08	2,881,237.50	88,705.42
12/31/2016	1,434,433.50	1,306,250.00	2,740,683.50	2,837,400.00	96,716.50
12/31/2017	2,754,916.00	-	2,754,916.00	2,843,150.00	88,234.00
12/31/2018	2,576,108.50	-	2,576,108.50	2,668,400.00	92,291.50
12/31/2019	2,136,961.00	-	2,136,961.00	2,229,200.00	92,239.00
12/31/2020	1,559,396.00	-	1,559,396.00	1,599,000.00	39,604.00
12/31/2021	1,478,403.50	-	1,478,403.50	1,521,000.00	42,596.50
12/31/2022	975,728.50	-	975,728.50	1,019,000.00	43,271.50
12/31/2023	941,391.00	-	941,391.00	985,000.00	43,609.00
12/31/2024	936,525.00	-	936,525.00	976,000.00	39,475.00
12/31/2025	575,437.50	-	575,437.50	616,000.00	40,562.50
12/31/2026	552,009.00	-	552,009.00	594,000.00	41,991.00
12/31/2027	523,464.00	-	523,464.00	572,000.00	48,536.00
Total	\$17,910,118.08	\$2,633,437.50	\$20,543,555.58	\$21,341,387.50	\$797,831.92

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	724,738.96
Net PV Cashflow Savings @ 1.973%(AIC)	724,738.96
Contingency or Rounding Amount	4,037.21
Net Present Value Benefit	\$728,776.17
Net PV Benefit / \$15,150,000 Refunded Principal	4.810%
Net PV Benefit / \$16,165,000 Refunding Principal	4.508%

Refunding Bond Information

Refunding Dated Date	2/15/2015
Refunding Delivery Date	2/15/2015

Dutchess County

\$16,165,000 Public Improvement Refunding (Serial) Bonds, 2014

Prevailing 'AA' Rates plus 25 bps - 7.28.14

Escrow Fund Cashflow

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
02/15/2015	-	-	-	1.29	-	1.29
03/17/2015	4,494,250.00	0.010%	36.93	4,494,286.93	4,494,287.78	0.44
06/15/2015	199,650.00	0.040%	20,725.37	220,375.37	220,375.00	0.81
12/15/2015	188,668.00	0.200%	31,706.91	220,374.91	220,375.00	0.72
06/15/2016	188,981.00	0.380%	31,393.67	220,374.67	220,375.00	0.39
12/15/2016	10,889,340.00	0.570%	31,034.61	10,920,374.61	10,920,375.00	-
Total	\$15,960,889.00	-	\$114,897.49	\$16,075,787.78	\$16,075,787.78	-

Investment Parameters

Investment Model [PV, GIC, or Securities]	Securities
Default investment yield target	Bond Yield
Cash Deposit	1.29
Cost of Investments Purchased with Bond Proceeds	15,960,889.00
Total Cost of Investments	\$15,960,890.29
Target Cost of Investments at bond yield	\$15,671,171.04
Actual positive or (negative) arbitrage	(289,719.25)
Yield to Receipt	0.5513305%
Yield for Arbitrage Purposes	1.9729500%
State and Local Government Series (SLGS) rates for	1/07/2015

Dutchess County

\$16,165,000 Public Improvement Refunding (Serial) Bonds, 2014

Prevailing 'AA' Rates plus 25 bps - 7.28.14

Summary Of Bonds Refunded

Issue	Maturity	Type	of Bond	Coupon	Maturity Value	Call Date	Call Price
Dated 12/15/2004 Delivered 12/15/2004							
2004 Bonds	12/15/2015	Serial	Coupon	3.500%	940,000	03/17/2015	100.000%
2004 Bonds	12/15/2016	Serial	Coupon	4.000%	950,000	03/17/2015	100.000%
2004 Bonds	12/15/2017	Serial	Coupon	4.000%	1,025,000	03/17/2015	100.000%
2004 Bonds	12/15/2018	Serial	Coupon	4.000%	955,000	03/17/2015	100.000%
2004 Bonds	12/15/2019	Serial	Coupon	4.000%	580,000	03/17/2015	100.000%
Subtotal	-	-	-	-	\$4,450,000	-	-
Dated 12/15/2006 Delivered 12/21/2006							
2006 Bonds	12/15/2017	Serial	Coupon	5.000%	1,275,000	12/15/2016	100.000%
2006 Bonds	12/15/2018	Serial	Coupon	4.000%	1,275,000	12/15/2016	100.000%
2006 Bonds	12/15/2019	Serial	Coupon	4.000%	1,300,000	12/15/2016	100.000%
2006 Bonds	12/15/2020	Serial	Coupon	4.000%	1,325,000	12/15/2016	100.000%
2006 Bonds	12/15/2021	Serial	Coupon	4.000%	1,300,000	12/15/2016	100.000%
2006 Bonds	12/15/2022	Serial	Coupon	4.000%	850,000	12/15/2016	100.000%
2006 Bonds	12/15/2023	Serial	Coupon	4.000%	850,000	12/15/2016	100.000%
2006 Bonds	12/15/2024	Serial	Coupon	4.000%	875,000	12/15/2016	100.000%
2006 Bonds	12/15/2025	Serial	Coupon	4.000%	550,000	12/15/2016	100.000%
2006 Bonds	12/15/2026	Serial	Coupon	4.000%	550,000	12/15/2016	100.000%
2006 Bonds	12/15/2027	Serial	Coupon	4.000%	550,000	12/15/2016	100.000%
Subtotal	-	-	-	-	\$10,700,000	-	-
Total	-	-	-	-	\$15,150,000	-	-

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Through this bond refunding, the county expects to realize savings in the range of \$500,000 - \$800,000 from 2015-2027, depending on the interest rate we get in the market.

Prepared by: Jessica White, Budget Office

Prepared On: 2/20/2015

McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 7. Refunding of Bonds and Capital Notes (Refs & Annos)

McKinney's Local Finance Law § 90.00

§ 90.00 Refunding of bonds

Effective: June 30, 2014
Currentness

- a. 1. A municipality, school district or district corporation may issue serial bonds to refund bonds issued on or after January first, nineteen hundred thirty-nine, other than bonds issued to redeem notes, certificates or other evidences of indebtedness issued prior to January first, nineteen hundred thirty-nine, in anticipation of such bonds. The last installment of such refunding bonds issued to refund bonds issued pursuant to the social services law, or the former social welfare law, or the former public welfare law, for the purpose of safety net assistance, as defined in such laws, shall mature within ten years after the date of issue of the bonds to be refunded. In all other cases the last installment of such refunding bonds shall mature not later than the expiration of the maximum period of probable usefulness permitted by law at the time of the issuance of the bonds to be refunded or the refunding bonds for the object or purpose for which the bonds to be refunded were issued. Such period shall be computed from the date of issuance of the bonds to be refunded or from the date of issuance of the first bond anticipation note issued in anticipation of such bonds, whichever date is the earlier.
2. Notwithstanding the provisions of subdivision one of this paragraph, bonds issued by a school district prior to December first two thousand one, or prior to thirty days after the effective date of this subdivision, whichever is later, for the purpose of financing facilities which were eligible for building aid pursuant to section thirty-six hundred two of the education law, and for which the aid apportionments payable in two thousand two--two thousand three and/or two thousand three--two thousand four school years for approved expenditures for debt service are subsequently reduced as a result of the application of assumed amortization to unpaid principal outstanding as of July first, two thousand two, may be refunded and the refunding bonds may be sold at either public or private sale in accordance with the provisions of section 90.10 of this title; provided, however, the school district need not comply with: (i) subparagraph (a) of subdivision two of paragraph b of section 90.10 of this title; and (ii) if the bonds to be refunded are to be redeemed or paid on the same date as the refunding bonds are issued, the school district need not comply with the provisions of section 90.10 of this title relating to the escrow of the proceeds of the sale of the refunding bonds.
3. Refunding bonds shall not be issued to refund bonds issued to finance an object or purpose which, at the time of the issuance of such bonds, had a period of probable usefulness of five years or less.
4. If a budgetary appropriation has been made for the payment of the principal on bonds, such maturity shall not be included in a refunding bond issue.
- b. The maturities and amount of such refunding bonds shall be so arranged that the combined amount of:
 1. The bonds of the original issue, and

2. Refunding bonds previously issued to refund bonds of the original issue, if any,

to be redeemed by an appropriation other than from the proceeds of refunding bonds during the year of refunding and the combined amount of:

1. The bonds of the original issue,

2. Such refunding bonds, and

3. Refunding bonds previously issued to refund bonds of the original issue, if any,

to be redeemed by an appropriation other than from the proceeds of refunding bonds in each succeeding year thereafter is not more than fifty per centum in excess of the combined amount of:

1. The bonds of the original issue,

2. Such refunding bonds, and

3. Refunding bonds previously issued to refund bonds of the original issue, if any,

redeemed or to be redeemed during any preceding year by an appropriation other than from the proceeds of refunding bonds.

b-1. Refunding bonds need not comply with paragraph b of this section provided that no annual installment of each separate series of refunding bonds shall be more than fifty per centum in excess of the smallest prior installment or the finance board of the municipality, school district or district corporation issuing the bonds shall have determined to use a substantially level or declining annual debt service schedule for the refunding bonds. The amount of annual installments of the refunding bonds may be determined without reference to the stated maturities of the bonds to be refunded.

c. 1. Bonds issued on or after January first, nineteen hundred thirty-nine, shall not be refunded within five years after the date of original issue. This restriction shall not apply to bonds issued by the city of New York, bonds issued by the county of Nassau for the objects or purposes described in subdivision thirty-three-a of paragraph a of section 11.00 of this chapter or to bonds issued to refund:

(i) Bonds issued, or

(ii) Bonds issued to redeem notes, certificates or other evidences of temporary indebtedness issued prior to January first, nineteen hundred thirty-nine.

2. [Eff. until Sept. 30, 2017, pursuant to L.2005, c. 629, § 2. See, also, subd. 2 below.] Notwithstanding the provisions of subdivision one of this paragraph and subdivision three of paragraph a of this section, bonds may be refunded and the refunding

bonds may be sold at either public or private sale where the present value of the refunding bonds is less than the present value of the bonds to be refunded computed in accordance with subparagraph (a) of subdivision two of paragraph b of section 90.10 of this title and where the issuer complies with all other requirements of such section; provided, however, that if such bonds are being sold to the New York state environmental facilities corporation in connection with a hardship state revolving fund financing at a rate equal to zero percent, compliance with subparagraph (a) of subdivision two of paragraph b of section 90.10 of this title shall not be required; provided further, however, that if the bonds to be refunded are to be redeemed or paid on the same date as the refunding bonds are issued, the issuer need not comply with the provisions of section 90.10 of this title relating to the escrow of the proceeds of the sale of the refunding bonds.

2. [Eff. Sept. 30, 2017. See, also, subd. 2 above.] Notwithstanding the provisions of subdivision one of this paragraph and subdivision three of paragraph a of this section, bonds may be refunded and the refunding bonds may be sold at either public or private sale where the present value of the refunding bonds is less than the present value of the bonds to be refunded computed in accordance with subparagraph (a) of subdivision two of paragraph b of section 90.10 of this title and where the issuer complies with all other requirements of such section; provided, however, that if the bonds to be refunded are to be redeemed or paid on the same date as the refunding bonds are issued, the issuer need not comply with the provisions of section 90.10 of this title relating to the escrow of the proceeds of the sale of the refunding bonds.

d. With the approval of and on terms and conditions prescribed by the state comptroller, a municipality, school district or district corporation may issue bonds to refund:

1. Bonds issued,

2. Bonds issued to redeem notes, certificates or other evidences of temporary indebtedness issued, or

3. Bonds issued to refund bonds issued

prior to January first, nineteen hundred thirty-nine, but in no event shall such refunding bonds mature later than twenty years after the date thereof. The provisions of section 21.00 of this chapter shall not apply to this paragraph.

e. The issuance of refunding bonds shall be authorized by a "refunding bond resolution". The title of such resolution shall state that the bonds to be authorized thereby are "refunding bonds".

f. Such a resolution shall contain, in substance, the following provisions:

1. The amount of refunding bonds to be issued.

2. A description and the date of the bonds to be refunded.

3. If the bonds to be refunded are bonds which were issued on or after January first, nineteen hundred thirty-nine, other than bonds issued to redeem notes, certificates or other evidences of temporary indebtedness issued prior to January first, nineteen hundred thirty-nine, in anticipation of such bonds, a statement of the maximum period of probable usefulness, at the time of the issuance of the bonds to be refunded, of the object or purpose for which such bonds were issued.

4. A statement of the proposed maturities of such refunding bonds.

g. The provisions of this chapter relating to the authorization, form and contents, sale, execution and issuance of bonds other than refunding bonds, shall apply to the authorization, form and contents, sale, execution and issuance of refunding bonds, except that:

1. The provisions of section 107.00 of this chapter shall not apply to the issuance of refunding bonds.

2. The authorization of the issuance of refunding bonds shall not be subject to a mandatory or permissive referendum.

3. Outstanding bonds may, pursuant to a power to recall and redeem or with the consent of the holders thereof, be exchanged for refunding bonds (i) if the refunding bonds are to bear interest at a rate equal to or lower than that borne by the bonds to be refunded or (ii) if, in the case of the city of New York prior to July first, two thousand fifteen, the annual payment required for principal and interest on the refunding bond is less than the annual payment required for principal and interest on the bond to be refunded, in each case such annual payments to be determined by dividing the total principal and interest payments due over the remaining life of the bond by the number of years to maturity of the bond or (iii) if the bonds to be refunded were issued by the city of New York after June thirtieth, nineteen hundred seventy-eight and prior to July first, two thousand fifteen and contain covenants referring to the existence of the New York state financial control board for the city of New York or any other covenants relating to matters other than the prompt payment of principal and interest on the obligations when due and the refunding bond omits or modifies any such covenant.

4. All refunding bonds shall contain a recital that they are issued pursuant to this chapter, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

h. The authority herein granted to authorize the issuance of refunding bonds shall in no way be affected by the invalidity of or any irregularity in any proceedings authorizing the issuance of the bonds to be refunded, except that refunding bonds shall not be issued to refund bonds adjudged invalid by the final judgment of a court of competent jurisdiction.

i. 1. Refunding bonds issued subsequent to January first, nineteen hundred thirty-nine to refund:

(a) Bonds issued, or

(b) Bonds issued to redeem notes, certificates or other evidences of temporary indebtedness issued

prior to January first, nineteen hundred thirty-nine, may be refunded by the issuance of refunding bonds, but such refunding bonds shall mature not later than twenty years from the date of the original refunding bonds. Such refunding bonds shall be issued only with the approval of and on terms and conditions prescribed by the state comptroller.

2. All other refunding bonds issued on or after January first, nineteen hundred thirty-nine, shall not be refunded.

j. Bond anticipation notes shall not be issued in anticipation of the sale of refunding bonds.

k. The premium, if any, resulting from the public sale of refunding bonds may be expended for (1) the payment of the costs of the issuance of such refunding bonds, including, but not limited to, legal fees, printing or engraving and publication of notices, and (2) the payment of the principal of and interest on such refunding bonds.

Credits

(L.1942, c. 424, Amended L.1943, c. 711, § 25; L.1944, c. 608, § 31; L.1944, c. 609, §§ 7, 8; L.1945, c. 837, § 20; L.1960, c. 1034, §§ 1, 2, eff. May 1, 1960; L.1978, c. 201, § 45; L.1978, c. 777, §§ 40, 41; L.1982, c. 471, § 9; L.1986, c. 277, § 5; L.1987, c. 542, § 6; L.1988, c. 447, § 5; L.1989, c. 251, § 3; L.1990, c. 345, § 21; L.1991, c. 270, § 3; L.1991, c. 413, §§ 21, 22; L.1992, c. 838, § 3; L.1993, c. 261, § 3; L.1994, c. 201, § 11; L.1994, c. 290, § 3; L.1995, c. 112, § 3; L.1996, c. 247, § 3; L.1997, c. 209, § 3, eff. July 17, 1997; L.1997, c. 436, pt. B, § 113, eff. Aug. 20, 1997; L.1998, c. 140, § 3, eff. June 30, 1998; L.1999, c. 142, § 3, eff. June 30, 1999; L.2000, c. 82, § 3, eff. June 23, 2000; L.2001, c. 118, pt. AA, § 3, eff. Aug. 3, 2001; L.2001, c. 383, pt. F, § 8, eff. Oct. 29, 2001, deemed eff. April 1, 2001; L.2002, c. 93, pt. A, § 7, eff. June 25, 2002; L.2002, c. 125, § 3, eff. June 28, 2002; L.2002, c. 528, § 6, eff. Sept. 17, 2002; L.2003, c. 117, § 3, eff. July 1, 2003; L.2004, c. 126, § 3, eff. June 29, 2004; L.2005, c. 148, § 3, eff. June 30, 2005; L.2005, c. 629, § 1, eff. Aug. 30, 2005; L.2006, c. 149, § 3, eff. July 7, 2006; L.2007, c. 83, § 3, eff. June 29, 2007; L.2008, c. 117, § 3, eff. June 24, 2008; L.2009, c. 184, § 3, eff. July 11, 2009; L.2010, c. 172, § 3, eff. July 15, 2010; L.2011, c. 141, § 3, eff. July 18, 2011; L.2012, c. 89, § 3, eff. June 29, 2012; L.2013, c. 79, § 3, eff. June 30, 2013; L.2014, c. 66, § 3, eff. June 30, 2014.)

Notes of Decisions (9)

McKinney's Local Finance Law § 90.00, NY LOC FIN § 90.00
Current through L.2014, chapters 1 to 552.

End of Document

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McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 7. Refunding of Bonds and Capital Notes (Refs & Annos)

McKinney's Local Finance Law § 90.10

§ 90.10 Advance refunding of certain bonds

Effective: July 3, 2007

Currentness

a. As used in this section:

1. The term "escrow contract" shall mean a contract entered into by and between a municipality, school district or district corporation and a bank or trust company pursuant to paragraph i of this section.
2. The term "escrow holder" shall mean the bank or trust company designated as such pursuant to an escrow contract.
3. The term "refunding financial plan" shall mean the financial plan for a refunding as set forth in the refunding bond resolution relating thereto.
4. The term "refunding bonds" shall mean refunding bonds authorized pursuant to this section.
5. The term "refunding bond resolution" shall mean a resolution authorizing the issuance of refunding bonds adopted pursuant to paragraph e of this section.

b. 1. A municipality, school district or district corporation may issue serial bonds to refund all or any portion of an issue of outstanding serial bonds issued on or after January first, nineteen hundred seventy, and, in addition, a municipality or school district may issue serial bonds or serial bonds to refund all or any portion of an issue of outstanding sinking fund bonds or sinking fund bonds issued on or after December fifteenth, nineteen hundred eighty-one and may issue sinking fund bonds to refund all or any portion of an issue of outstanding serial bonds or sinking fund bonds, in the manner and subject to the limitations and conditions set forth in this section. The principal amount of refunding bonds shall not exceed an amount sufficient to pay the sum of (a) the principal amount of the bonds to be refunded, which is outstanding as of the date of issue of the refunding bonds, (b) the aggregate amount of unmatured interest payable on the bonds to be refunded to and including either the date or dates such bonds mature or, if such bonds are to be called for redemption prior to their maturities, the date or dates set for such redemption in accordance with the refunding financial plan, (c) redemption premiums, if any, payable on the bonds to be refunded as of such redemption date or dates, and (d) costs and expenses incidental to the issuance of the refunding bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder. In the event a municipality or school district issues bonds to refund sinking fund bonds, and such refunding has the effect of permitting the municipality or school district to withdraw assets from a sinking fund established for such refunded bonds, then such assets shall be used to pay principal and interest on either such refunded bonds or other bonds of such municipality or school district.

2. (a) [Eff. until July 15, 2015, pursuant to L.2004, c. 142, § 5. See, also, subpar. (a) below.] Refunding bonds shall be issued only in the event that the present value of the total payments of both principal and interest to become due on the refunding bonds, and deducting any accrued interest or premium received by the issuer and not used to pay the principal of or interest on the bonds to be refunded or costs of issuance of the refunding bonds, excluding all such principal and interest payments to be made from income received as a result of the investment of the proceeds from the sale of the refunding bonds, shall be less than the present value of the principal and interest payments to become due at their stated maturities on the principal amount of bonds to be refunded which are outstanding as of the date of the issue of the refunding bonds after deducting therefrom all costs and expenses incidental to the issuance of the refunding bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder, but only to the extent such costs and expenses are not paid from the proceeds of the refunding bonds. The present value of debt service payments pursuant to the foregoing provisions of this subdivision shall be computed by discounting the principal and interest payments on both the refunding bonds and the bonds to be refunded from the respective maturities thereof to the date of issue of the refunding bonds at a rate equal to the effective interest cost of the refunding bonds. The effective interest cost of the refunding bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the maturity dates thereof to the date of issue of the refunding bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest. In the case of the city of New York, notwithstanding any other provision of law to the contrary, for purposes of calculating the present value of debt service and calculating savings in connection with the issuance of refunding bonds, (i) the effective interest rate and debt service payable on variable rate bonds in connection with which, and to the extent that, the city of New York has entered into an interest rate exchange or similar agreement pursuant to which such city makes payments based on a fixed rate and receives payments based on a variable rate that shall be found by the finance board of such city to be equivalent over time to the variable rate paid on the related variable rate bonds, shall be calculated assuming that the rate of interest on such variable rate bonds is the fixed rate payable by such city on such interest rate exchange or similar agreement for the scheduled term of such agreement; (ii) the effective interest rate and debt service on variable rate bonds in connection with which, and to the extent that, the city of New York has not entered into such an interest rate exchange or similar agreement shall be calculated assuming that interest on such variable interest rate bonds is payable at a rate or rates as shall be found by the finance board of such city; (iii) the effective interest rate and debt service on any bonds subject to optional or mandatory tender shall be calculated assuming that such bonds are remarketed following any such tender at a rate or rates as shall be found by the finance board of the city of New York; and (iv) otherwise, the effective interest rate and debt service on any bonds shall be calculated at a rate or rates determined by the finance board of the city of New York. Notwithstanding any other provision of law to the contrary, in the case of the city of New York, for calculating the present value of debt service and calculating savings in connection with the issuance of refunding bonds, the refunding of variable rate debt instruments with new variable rate debt instruments shall be excluded from any such requirements, if so determined by the finance board of such city.

2. (a) [Eff. July 15, 2015. See, also, subpar. (a) above.] Refunding bonds shall be issued only in the event that the present value of the total payments of both principal and interest to become due on the refunding bonds, and deducting any accrued interest or premium received by the issuer and not used to pay the principal of or interest on the bonds to be refunded or costs of issuance of the refunding bonds, excluding all such principal and interest payments to be made from income received as a result of the investment of the proceeds from the sale of the refunding bonds, shall be less than the present value of the principal and interest payments to become due at their stated maturities on the principal amount of bonds to be refunded which are outstanding as of the date of the issue of the refunding bonds after deducting therefrom all costs and expenses incidental to the issuance of the refunding bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder, but only to the extent such costs and expenses are not paid from the proceeds of the refunding bonds. The present value of debt service payments pursuant to the foregoing provisions of this subdivision shall be computed by discounting the principal and interest payments on both the refunding bonds and the bonds to be refunded from the respective maturities thereof to the date of issue of the refunding bonds

at a rate equal to the effective interest cost of the refunding bonds. The effective interest cost of the refunding bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the maturity dates thereof to the date of issue of the refunding bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

(b) Notwithstanding the provisions of subparagraph (a) of this subdivision, the city of New York may also issue refunding bonds (i) if the bond to be refunded contains a covenant referring to the existence of the New York state emergency financial control board for the city of New York or any other covenant relating to matters other than the prompt payment of principal and interest on the obligation when due, and the refunding bond omits or modifies any such covenant or (ii) if the bond to be refunded is guaranteed by the federal government.

(c) Notwithstanding the provisions of subparagraph (a) of this subdivision, in the case of refunding bonds sold to the New York state environmental facilities corporation and purchased for deposit in the water pollution control revolving fund established pursuant to section twelve hundred eighty-five-j of the public authorities law and for which an allocation has been established pursuant to section 17-1909 of the environmental conservation law, the present value of the projected total allocation payable to the issuer of the refunding bonds or available to make principal and interest payments on the refunding bonds shall be subtracted from the present value of the total payments of the principal and interest to become due on the refunding bonds in determining the present value savings attributable to the issuance of such refunding bonds pursuant to subparagraph (a) of this subdivision.

(d) Notwithstanding the provisions of subparagraph (a) of this subdivision, in the case of refunding bonds sold to the New York state environmental facilities corporation and purchased for deposit in the drinking water revolving fund established pursuant to section twelve hundred eighty-five-m of the public authorities law and for which an allocation has been established pursuant to section eleven hundred sixty-two of the public health law, the present value of the projected total allocation payable to the issuer of the refunding bonds or available to make principal and interest payments on the refunding bonds shall be subtracted from the present value of the total payments of the principal and interest to become due on the refunding bonds in determining the present value savings attributable to the issuance of such refunding bonds pursuant to subparagraph (a) of this subdivision.

(e) Notwithstanding the provisions of subparagraph (a) of this subdivision, a school district may also issue refunding bonds to refund bonds if the bonds were issued by a school district prior to December first two thousand one, or prior to thirty days after the effective date of this subdivision, whichever is later, for the purpose of financing facilities that were eligible for building aid pursuant to subdivision six of section thirty-six hundred two of the education law, and for which the aid apportionment payable in the two thousand two--two thousand three and two thousand three--two thousand four school years for approved expenditures for debt service are subsequently reduced as a result of the application of assumed amortization to unpaid principal outstanding as of July first, two thousand two.

3. Refunding bonds may be issued at any time subsequent to the issuance of the bonds to be refunded.

c. 1. The last installment of each separate series of refunding serial bonds, and the maturity date of any refunding sinking fund bonds, shall occur not later than the expiration of the maximum period of probable usefulness permitted by law at the time of the issuance of the refunding bonds or the bonds to be refunded for the object or purpose for which such bonds to be refunded were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of bonds to be refunded or the weighted average remaining period of probable usefulness of all objects or purposes (or classes of objects or purposes) financed with all of the bonds to be refunded. Such

period shall be computed from the date of issuance of such bonds to be refunded or from the date of the first bond anticipation note issued in anticipation thereof, whichever date is the earlier.

2. The first installment of each separate series of refunding bonds shall mature not later than the date of the first stated maturity of the bonds to be refunded next following the date of issue of the refunding bonds. When the finance board has determined to provide for a substantially level or declining annual debt service schedule for the refunding bonds, as provided in subdivision three of this paragraph, the determination of whether annual debt service is substantially level or declining shall not take into account the year which includes the first principal installment of the refunding bonds, provided that the first principal installment, when added to the amount of interest payable within one year of its accrual that would accrue on the entire refunding debt or series of refunding bonds in one calendar year, shall be no more than five percent less than the greatest aggregate amount of debt service due in any other year.

3. No annual installment of each separate series of refunding bonds shall be more than fifty per centum in excess of the smallest prior installment unless the finance board of the municipality, school district or district corporation issuing the bonds has determined to use a substantially level or declining annual debt service schedule for the refunding bonds. The amounts of annual installments of the refunding bonds may be determined without reference to the stated maturities of the bonds to be refunded.

4. In the event the bonds to be refunded were separately authorized for different objects or purposes, which separately authorized bonds were consolidated for purposes of sale and sold as a single issue pursuant to paragraph c of section 57.00 of this chapter, each component issue included in such consolidated issue shall be considered as a separate issue for the purposes of the provisions of subdivisions one, two and four of this paragraph, notwithstanding that the refunding bonds are sold as a single issue.

5. Refunding bonds may be issued as two or more separate series.

d. Bond anticipation notes shall not be issued in anticipation of the sale of refunding bonds.

e. The issuance of refunding bonds shall be authorized by a "refunding bond resolution". Such a resolution shall contain, in substance, at least the following:

1. The maximum amount of refunding bonds authorized to be issued pursuant thereto.

2. A determination that such maximum amount of refunding bonds authorized to be issued does not exceed the limitation imposed by subdivision one of paragraph b of this section.

3. The amount and a description of the outstanding bonds to be refunded.

4. A statement of the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the bonds to be refunded for the object or purpose or objects or purposes for which such bonds to be refunded were issued.

5. The financial plan for the refunding proposed, showing the sources and amounts of all moneys required to accomplish such refunding, and except where such refunding bonds are issued by the city of New York pursuant to subparagraph (b) of subdivision two of paragraph b of this section an estimate, of the present value of the total debt service savings anticipated, computed in accordance with subparagraph (a) of subdivision two of paragraph b of this section.

f. 1. Any refunding bonds issued to refund bonds which are additionally secured by a pledge of any specific moneys pursuant to any general or special law, at the option of the finance board, may be additionally secured to the same extent and in the same manner as the bonds to be refunded effective upon the date of issue of such refunding bonds, subject only to any rights of the holders of such bonds to be refunded.

2. Refunding bonds may be sold at either public or private sale, but they shall not be sold on option or on a deferred payment plan, provided, however, that if such bonds are sold at private sale, the terms and conditions of such sale shall be approved by the state comptroller. Refunding bonds sold at private sale shall bear interest at such rate or rates, not exceeding the maximum rate, if any, fixed by paragraph b of section 57.00 of this chapter, as may be determined by the finance board. Refunding bonds may be sold at private sale at a discount in the same manner as authorized by paragraph e of section 57.00 of this chapter. The cost of such discount, together with other costs of the issuance of obligations, shall be deemed a part of the cost of the objects or purposes for which such obligations are issued.

g. Except where such refunding bonds are issued by the city of New York pursuant to subparagraph (b) of subdivision two of paragraph b of this section, no refunding bonds shall be issued pursuant to this section unless the chief fiscal officer of the issuer shall have first filed with the finance board a certificate, approved by the state comptroller, which shall be final and conclusive upon all parties, setting forth the present value of the total debt service savings to the issuer resulting from the issuance of the refunding bonds computed in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of this section, except that the actual amount, rather than an estimate, of the amount of accrued interest to be paid on such bonds shall be used in determining the effective interest cost thereof. The certificate shall be in the form and shall contain such information as shall be prescribed by the state comptroller. The certificate shall not be approved until ten days after the filing of such certificate in the office of the state comptroller.

h. 1. Prior to the issuance of refunding bonds, the finance board shall adopt a resolution electing to call in and redeem such portion of the bonds to be refunded as is to be called for payment prior to the date of their maturity in accordance with the refunding financial plan. The resolution adopted pursuant to this paragraph shall authorize and direct the escrow holder to cause notice of such call for redemption to be given in the name of the issuer of such refunding bonds in the manner and within the times provided by paragraph a of section 53.00 of this chapter. If the issuer has no official newspaper, such resolution shall designate a newspaper having general circulation within the municipality, school district or district corporation for the purpose of giving such notice.

2. Upon the issuance of the refunding bonds, the election to call in and redeem the bonds to be refunded and the direction to the escrow holder to cause notice thereof to be given contained in the resolution adopted pursuant to subdivision one of this paragraph, shall become irrevocable, and the provisions of such resolution shall constitute a covenant with the holders of such refunding bonds, provided that such resolution may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of section 53.00 of this chapter.

i. 1. The finance board, or the chief fiscal officer if the finance board shall delegate such duty to him, prior to the issuance of refunding bonds, shall contract on behalf of the issuer with a bank or trust company located and authorized to do business

in this state for the purpose of having such bank or trust company act as the escrow holder of the proceeds, inclusive of any premium, from the sale of such refunding bonds, together with all income derived from the investment of such proceeds, and any other moneys to be provided by such issuer to effectuate the refunding financial plan. Each escrow contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including, without limiting the generality of the foregoing, provisions for the escrow holder without further authorization or direction from the issuer of the refunding bonds, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to either the bonds to be refunded or the refunding bonds, (b) to pay costs and expenses incidental to the issuance of the refunding bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the escrow contract and all of its fees and charges as the escrow holder, (c) at the appropriate time or times to cause to be given on behalf of such issuer the notice of redemption authorized to be given pursuant to paragraph h of this section, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. Each escrow contract shall be irrevocable and shall constitute a covenant with the holders of the refunding bonds to which it relates.

2. The proceeds, inclusive of any premium, from the sale of refunding bonds, immediately upon receipt, shall be placed in escrow by the issuer with the escrow holder in accordance with the escrow contract. All moneys held by the escrow holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the escrow holder after the full execution of the escrow contract shall be returned to the issuer of the refunding bonds and shall be applied by such issuer to the payment of the principal of or interest on the refunding bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection with the refunding or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the refunding bonds.

3. That portion of such proceeds from the sale of refunding bonds, together with interest earned thereon and any moneys on deposit in a sinking fund established for the refunded bonds which is applied to the payment of the principal and interest on the refunded bonds pursuant to subdivision one of paragraph b of this section, which shall be required for the payment of the principal of and interest on the bonds to be refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of such bonds to be refunded shall have a lien upon such moneys and the investments thereof held by the escrow holder. All interest earned from the investment of such moneys not required for such payments on the bonds to be refunded, shall be irrevocably committed and pledged to the payment of the principal of and interest on the refunding bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such refunding bonds shall have a lien upon such moneys held by the escrow holder. The pledges and liens provided for in this subdivision shall become valid and binding upon the issuance of the refunding bonds and the moneys and investments held by the escrow holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the issuer of the refunding bonds irrespective of whether such parties have notice thereof. Neither the refunding bond resolution, the escrow contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

j. The powers granted by this section to issue refunding bonds shall be deemed to be in addition to the provisions of section 90.00 of this chapter, but none of the provisions of section 90.00 shall apply to any refunding bonds issued pursuant to this section. All other provisions of this chapter, not inconsistent with this section, relating to the authorization, estoppel from contesting validity, form and contents, execution and issuance of bonds, other than refunding bonds, shall apply to refunding bonds, except that:

1. The provisions of section 107.00 of this chapter shall not apply to the issuance of refunding bonds.

2. The authorization of the issuance of refunding bonds shall not be subject to a mandatory or permissive referendum.

3. Outstanding bonds may, with the consent of the holders thereof, be exchanged for refunding bonds (i) if the refunding bonds are to bear interest at a rate equal to or lower than that borne by the bonds to be refunded, or (ii) if, in the case of the city of New York, the annual payment required for principal and interest on the refunding bond is less than the annual payment required for principal and interest on the bond to be refunded, in each case such annual payments to be determined by dividing the total principal and interest payments due over the remaining life of the bond by the number of years to maturity of the bond, or (iii) if, in the case of the city of New York, the bond to be refunded contains a covenant referring to the existence of the New York state emergency financial control board for the city of New York or any other covenant relating to matters other than the prompt payment of principal and interest on the obligation when due, and the refunding bond omits or modifies any such covenant, or (iv) if, in the case of the city of New York, the bond to be refunded is guaranteed by the federal government.

4. All refunding bonds shall contain a recital that they are issued pursuant to this chapter, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

k. The authority herein granted to authorize the issuance of refunding bonds shall in no way be affected by the invalidity of or any irregularity in any proceedings authorizing the issuance of the bonds to be refunded, except that refunding bonds shall not be issued to refund bonds adjudged invalid by the final judgment of a court of competent jurisdiction.

Credits

(Added L.1977, c. 264, § 2. Amended L.1977, c. 575, §§ 1, 2; L.1978, c. 181, § 1; L.1978, c. 201, §§ 48 to 52; L.1978, c. 777, §§ 42 to 44; L.1982, c. 471, § 10; L.1984, c. 108, §§ 1, 2; L.1986, c. 216, § 1; L.1986, c. 866, § 5; L.1987, c. 647, § 1; L.1991, c. 413, § 23 to 26; L.1993, c. 261, § 8; L.1994, c. 201, §§ 12, 13; L.1996, c. 179, § 7; L.1998, c. 322, § 1, eff. July 14, 1998; L.2001, c. 383, pt. F, § 9, eff. Oct. 29, 2001, deemed eff. April 1, 2001; L.2003, c. 155, § 4, eff. July 22, 2003; L.2004, c. 142, § 3, eff. July 6, 2004; L.2007, c. 134, §§ 10, 11, eff. July 3, 2007.)

McKinney's Local Finance Law § 90.10, NY LOC FIN § 90.10

Current through L.2014, chapters 1 to 552.

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McKinney's Consolidated Laws of New York Annotated

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Chapter 33-a. Of the Consolidated Laws

Article II. Local Indebtedness

Title 4. Local Obligations: Terms, Form and Contents Thereof; Sale and Issuance Thereof

McKinney's Local Finance Law § 53.00

§ 53.00 Obligations redeemable prior to maturity

Effective: June 29, 2012

Currentness

a. The agency prescribing the terms, form and contents of bonds may reserve to itself the power to call in and redeem such bonds prior to the date of their maturity. Such power may be exercised upon the giving of notice of such call for redemption by publication at least three times in a financial newspaper published and circulated in the city of New York and in the official newspaper or newspapers of the municipality, school district or district corporation, or, if there be no official newspaper, then in any newspaper having general circulation therein which the agency shall designate for such purpose, the first publication to be at least thirty days prior to the date set for such redemption or, in the case of registered bonds, by mailing or transmitting such notice to the registered holder at least thirty days prior to such date. The agency prescribing the terms, form and contents of notes may reserve to itself the power to call in and redeem such notes prior to the date of their maturity upon the giving of such notices as it shall prescribe.

b. If such bonds or notes are payable in installments, the installments remaining unpaid may be called for redemption only (i) in the inverse order of their maturity or, (ii) in equal proportionate amounts; provided, however, that for bonds issued during the one-year period commencing July first, nineteen hundred eighty-eight, and for bonds issued during the one-year period commencing July first, nineteen hundred eighty-nine, and for bonds issued during the one-year period commencing July first, nineteen hundred ninety, and for bonds issued during the three-year period commencing July first, nineteen hundred ninety-one, and for bonds issued during the period from July first, nineteen hundred ninety-four up until and including July fifteenth, nineteen hundred ninety-seven and for bonds issued during the period from July fifteenth, nineteen hundred ninety-seven up until and including July fifteenth, two thousand, and for bonds issued during the period from July fifteenth, two thousand up until and including July fifteenth, two thousand three, and for bonds issued during the period from July fifteenth, two thousand three up until and including July fifteenth, two thousand six, and for bonds issued during the period from July fifteenth, two thousand six up until and including July fifteenth, two thousand nine, and for bonds issued during the period from July fifteenth, two thousand six up until and including July fifteenth, two thousand twelve, and for bonds issued during the period from July fifteenth, two thousand nine up until and including July fifteenth, two thousand fifteen, installments remaining unpaid on such bonds may be called for redemption prior to their date of maturity in such amounts, at such times in such manner and pursuant to such terms as may be determined by the finance board of a municipality, school district or district corporation at the time of the issuance thereof. Whenever any bonds or notes are called for redemption prior to the date of their maturity, interest shall cease to be paid thereon after the date for redemption set forth in such call for redemption. The sum to be paid to redeem any unpaid installment prior to its maturity, exclusive of the interest accruing on such installment to the date of redemption, shall in no event be in excess of the lesser amount of either (i) the par value of such installment plus one-half of one per centum of such par value for each calendar year or part thereof elapsing between the date for redemption set forth in such call for redemption and the date of maturity of such installment, provided, however, that such amount shall not exceed one hundred five per centum of such par value, or (ii) the par value of such installment plus the total of all unpaid interest on such installment which would have accrued from the date of redemption to the date of maturity thereof had such installment not been redeemed prior to maturity, except that bonds sold to the state of New York municipal bond bank agency, which are subject to call as hereinbefore authorized,

may provide for the payment of a redemption premium not to exceed five per centum of the par value of the bonds to be called, payable on the date of the redemption thereof; provided, however, that for bonds issued during the one-year period commencing July first, nineteen hundred eighty-eight, and for bonds issued during the one-year period commencing July first, nineteen hundred eighty-nine, and for bonds issued during the one-year period commencing July first, nineteen hundred ninety, and for bonds issued during the three-year period commencing July first, nineteen hundred ninety-one, and for bonds issued during the period from July first, nineteen hundred ninety-four up until and including July fifteenth, nineteen hundred ninety-seven, and for bonds issued during the period from July fifteenth, nineteen hundred ninety-seven up until and including July fifteenth, two thousand, and for bonds issued during the period from July fifteenth, two thousand up until and including July fifteenth, two thousand three, and for bonds issued during the period from July fifteenth, two thousand three up until and including July fifteenth, two thousand six, and for bonds issued during the period from July fifteenth, two thousand six up until and including July fifteenth, two thousand nine, and for bonds issued during the period from July fifteenth, two thousand nine up until and including July fifteenth, two thousand twelve, and for bonds issued during the period from July fifteenth, two thousand twelve up until and including July fifteenth, two thousand fifteen, a municipality, school district, or district corporation may provide for redemption of such bonds prior to the date of their maturity at a price or prices as may be as determined by the issuer of such bonds or notes at the time of the issuance thereof.

Credits

(L.1942, c. 424. Amended L.1946, c. 806, § 10; L.1950, c. 409, eff. April 5, 1950; L.1972, c. 412, § 1; L.1972, c. 902, § 2; L.1973, c. 737, § 12; L.1979, c. 5, § 1; L.1982, c. 471, § 2; L.1986, c. 277, § 1; L.1987, c. 542, § 2; L.1988, c. 447, § 1; L.1989, c. 251, § 6; L.1990, c. 345, § 24; L.1991, c. 270, § 5; L.1991, c. 413, §§ 7, 8; L.1994, c. 258, §§ 2, 3; L.1997, c. 192, § 2, eff. July 8, 1997; L.2000, c. 139, § 2, eff. July 11, 2000; L.2003, c. 137, § 2, eff. July 22, 2003; L.2006, c. 97, § 2, eff. June 7, 2006; L.2009, c. 186, § 2, eff. July 11, 2009; L.2012, c. 91, § 2, eff. June 29, 2012.)

Notes of Decisions (3)

McKinney's Local Finance Law § 53.00, NY LOC FIN § 53.00
Current through L.2014, chapters 1 to 552.

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McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 5. Local Obligations: Registration, Conversion and Reconversion Thereof (Refs & Annos)

McKinney's Local Finance Law § 70.00

§ 70.00 Fiscal agent

Currentness

a. The term "fiscal agent" as used in this title shall mean:

1. In counties, the chief fiscal officer thereof, unless the finance board shall designate a different officer.

2. In cities, the chief fiscal officer thereof.

3. In towns and villages, the clerk thereof.

4. In school districts and district corporations, the clerk or secretary or such other officer thereof as the finance board shall designate, except that in a river improvement or drainage district established by or under the supervision of the department of conservation the state comptroller shall act as fiscal agent. However, a finance board on behalf of any municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, may contract from time to time, with any bank or banks or trust company or trust companies located and authorized to do business in this state for the purpose of having such bank or trust company act, in connection with all its obligations, or any specific issue or issues of its obligations, or any specific type or types of its obligations, as the fiscal agent for such municipality, school district or district corporation, including the maintenance of an office for the registration, conversion, reconversion and transfer of bonds and notes, the preparation and substitution of new bonds and notes, and for the payment of the principal thereof, redemption premium, if any, interest thereon, and for related services, and for the payment by such municipality, school district or district corporation of a reasonable compensation to any such bank or trust company for the services to be performed by it pursuant to such contract. Any such bank or trust company shall be responsible to the municipality, school district or district corporation for the faithful and safe conduct of the services to be performed by it as such fiscal agent, or services related thereto; for the fidelity and integrity of the officers and agents of such bank or trust company performing the duties of a fiscal agent, or services related thereto; and for all loss or damage which may result from any failure of such officers or agents to discharge their duties and for any improper or incorrect discharge of those duties; and shall save the municipality, school district or district corporation free and harmless from any and all loss or damage occasioned by or incurred in the performance of such services. Such contracts may be terminated by the finance board of the municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, at any time.

b. The fiscal agent, if not already under bond, shall execute a bond in such form, in such sum and with such sureties as the finance board, or in the case of the city of New York the chief fiscal officer thereof, shall direct and approve, and such approval shall be indicated upon the bond. Such bond shall then be filed in the office of the clerk of the county in which the municipality, school district or district corporation is located. If the municipality, school district or district corporation is located in more than

one county, a duplicate original of such bond, approved by the finance board, or in the case of the city of New York the chief fiscal officer thereof, shall be filed in the office of the clerk of each county in which the municipality, school district or district corporation is located, except that in a city containing more than one county such bond shall be filed only in the office of the city clerk. The expense of such bond shall be a charge upon the municipality, school district or district corporation. The provisions of this paragraph shall not apply to a bank or trust company which has been designated as fiscal agent of a municipality, school district or district corporation pursuant to the provisions of paragraph a of this section, unless the finance board of such municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, shall by resolution determine that such bank or trust company shall be required to furnish a bond for the faithful performance of its duties as fiscal agent.

c. No municipality, school district or district corporation, or any fiscal agent thereof, shall charge, impose, collect, or receive from the holder of any obligation issued pursuant to this chapter, or issued pursuant to laws in effect prior to the effective date of this chapter, any fee or consideration for any services required to be performed by a fiscal agent pursuant to the provisions of this chapter. However, the holder of an obligation shall bear the expense of preparing new bonds or coupons which he shall request to be issued pursuant to the provisions of title five of this article, also the actual and necessary expenses for the mailing, shipping or the insuring of obligations incurred in connection with the rendition of services performed by a fiscal agent at his request. At least annually every fiscal agent shall render to and file with the finance board of the municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, for which he or it acts a statement of all moneys received and disbursed by such agent for the expenses mentioned in this paragraph. Notwithstanding the foregoing provisions of this paragraph, if the finance board of a municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, shall determine that it would be to the financial advantage of the municipality, school district or district corporation not to impose and collect such mailing, shipping or insurance charges, it may adopt a resolution directing its fiscal agent not to impose and collect any or all of such charges.

d. Notwithstanding any other provisions of law, the comptroller of the city of New York may prescribe rules and regulations for the registration, conversion, reconversion and transfer of the bonds and notes of the city of New York, including the preparation and substitution of new bonds, for the payment of the principal thereof, redemption premium, if any, and interest thereon, and for other authorized services to be performed by such fiscal agent.

e. Any bank or trust company acting as the fiscal agent of a municipality, school district or district corporation may bid for, purchase, acquire, hold, sell or dispose of obligations of the municipality, school district or district corporation for which it acts as such agent, and may enter into other service contracts with the municipality, school district or district corporation. No bank or trust company acting as such fiscal agent shall print, engrave, or otherwise prepare, new bonds or coupons required in connection with the conversion and reconversion of bonds as provided in title five of this article, if such bank or trust company acts as fiscal agent in such conversion or reconversion.

Credits

(L.1942, c. 424. Amended L.1944, c. 614, § 2; L.1945, c. 837, § 19; L.1946, c. 806, § 11; L.1947, c. 590, eff. May 1, 1947; L.1947, c. 591, eff. May 1, 1947; L.1983, c. 483, § 4, eff. July 15, 1983.)

Notes of Decisions (5)

McKinney's Local Finance Law § 70.00, NY LOC FIN § 70.00
Current through L.2014, chapters 1 to 552.

McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 12. Miscellaneous Provisions

McKinney's Local Finance Law § 168.00

§ 168.00 Agreements for credit enhancement

Currentness

a. The finance board of any municipality, school district or district corporation (herein a "public body") is hereby authorized and empowered to enter into such agreements as it deems reasonable and appropriate, with any department or agency of the United States of America, the state, or any other financially responsible party, to facilitate the issuance, sale, resale and payment of bonds, notes, or other evidences of indebtedness of such public body, including, but not limited to letters of credit, lines of credit, revolving credit, bond insurance or other credit enhancements. Such agreements may provide for (i) the advance or advances of funds on behalf of such public body to pay the interest on and principal and premium of bonds, notes or other evidences of indebtedness of such public body on their date or dates of maturity or redemption or when interest is otherwise due, and (ii) the reimbursement of such advance or advances by such public body.

b. Such agreements may be executed on or before the date of issuance of the obligations to be paid pursuant thereto, provided, however, that any reimbursement obligation of such public body arising from such agreements shall be deemed indebtedness of such public body (i) only as of the date that the corresponding advance is made pursuant to paragraph a of this section, and (ii) only in the amount of the advance made pursuant to such paragraph. Such agreements may include a pledge by such public body of its faith and credit for the payment of principal of and interest on any indebtedness deemed to be contracted as set forth in this paragraph, and may provide that any such indebtedness arising from a reimbursement obligation contracted pursuant to this section shall be paid in accordance with the terms of such agreement. Such indebtedness shall be excluded in ascertaining the power of such public body to contract indebtedness pursuant to title eight and title nine of this article. Such agreements shall also include such terms and conditions as the finance board shall deem appropriate, including provisions for the payment of reasonable fees and expenses by such public body in return for a commitment to advance funds pursuant to such agreement. Such fees and expenses shall be deemed part of the cost of the object or purpose in connection with which they are incurred.

c. Prior to procurement of any credit or liquidity enhancements, such public body shall, to the extent practicable:

(1) consider the ability of the credit or liquidity enhancement provider to make required payments as and when due under the terms of the appropriate governing instruments;

(2) consider the business reputation of the credit or liquidity enhancement provider;

(3) consider the maximum term of the credit or liquidity enhancement relative to the maturity of the bonds, notes or other obligations being credit or liquidity enhanced;

(4) provide for the right of substitution for the credit or liquidity enhancement provider in all agreements, including a provision permitting such substitution when the rating of the credit or liquidity enhancement provider falls below the probable credit rating of the issue without considering the credit or liquidity enhancer; and

(5) consider the cost of the credit or liquidity enhancement relative to the savings or other benefit likely to be achieved through the utilization of the credit or liquidity enhancement.

d. Where the credit or liquidity enhancement procured is an irrevocable letter of credit or an acquisition arrangement with a banking organization, such instrument shall be:

(1) issued or confirmed by a bank holding company or its direct subsidiaries, a federally chartered bank or its subsidiaries, or a state chartered bank or its subsidiaries, licensed or authorized to do business in this state or

(2) issued or confirmed by an agency or branch of a foreign banking institution licensed to do business in this state with total worldwide assets in excess of five billion dollars.

e. Any such issuing banking organization referred to in paragraph d of this section shall meet the regulatory guidelines for capital adequacy as promulgated by the appropriate federal banking agency as defined in the Federal Deposit Insurance Act, 12 U.S.C. 1813(q).

f. (1) Where the credit or liquidity enhancement procured is provided by an insurance company, such insurer shall be licensed to write financial guarantee insurance in this state.

(2) Where the credit or liquidity enhancement procured is from other than an entity described in paragraph d of this section or subdivision one of this paragraph, the provider shall be a financially responsible party, incorporated or authorized to do business in this state and having total assets in excess of ten billion dollars.

g. The failure of a public body to comply with paragraphs c through f of this section shall not invalidate or impair any credit or liquidity enhancement contract or instrument.

h. The finance board may, by resolution, delegate its authority under this section to the chief fiscal officer of such public body in which event the chief fiscal officer shall exercise such power until the finance board, by resolution, shall elect to reassume the same.

Credits

(Added L.1991, c.413, § 30. Amended L.1992, c. 841, § 3.)

McKinney's Local Finance Law § 168.00, NY LOC FIN § 168.00
Current through L.2014, chapters 1 to 552.

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Article II. Local Indebtedness
Title 4. Local Obligations: Terms, Form and Contents Thereof; Sale and Issuance Thereof

McKinney's Local Finance Law § 51.00

§ 51.00 Terms, form and contents of obligations

Currentness

Every bond and note shall contain a statement of at least the following:

1. The type of obligation.
2. The amount of the obligation and the total amount of the issue of which the obligation is a part.
3. The date and maturity of the obligation.
4. If the obligation is a tax anticipation note or a revenue anticipation note, the fiscal year for which the taxes were levied or are to be levied or in which the revenues are to become due and payable, as the case may be; if the obligation is a tax anticipation note to be issued in anticipation of the levy or collection of assessments for a fiscal year or in anticipation of the collection of an installment of an assessment for a capital improvement, the fiscal year for which such assessments were levied or are to be levied or in which such installment becomes due, as the case may be.
5. [Eff. until July 15, 2015, pursuant to L.1991, c. 413, § 81(a). See, also, par. 5 below.] The rate of interest or, in the case of obligations bearing a variable rate of interest, the procedure for calculating such variable rate of interest and the maximum rate of interest which such variable rate notes may bear, together with the date or dates of payment thereof.
5. [Eff. July 15, 2015, pursuant to L.1991, c. 413, § 81(a). See, also, par. 5 above.] The rate of interest and the date or dates of payment thereof.
6. The place or places of payment of principal and interest.
7. The medium of payment.
8. An irrevocable pledge of the faith and credit of the municipality, school district or district corporation issuing the obligation for the payment thereof.

9. If the obligation is payable to bearer, whether it may be converted into a registered obligation; if the obligation is in registered form, whether it may be converted into a bearer obligation.

10. If the obligation may be called for redemption prior to its date of maturity, the terms and conditions under which such obligation may be redeemed.

Credits

(L.1942, c. 424. Amended L.1944, c. 611, § 11; L.1991, c. 413, § 6.)

Notes of Decisions (8)

McKinney's Local Finance Law § 51.00, NY LOC FIN § 51.00

Current through L.2014, chapters 1 to 552.

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Article II. Local Indebtedness
Title 6. Local Obligations: Estoppel from Contesting Validity Thereof

McKinney's Local Finance Law § 81.00

§ 81.00 Bond resolution, or note resolution or certificate, containing estoppel clause; publication and notice

Currentness

a. If a resolution of a finance board authorizing the issuance of bonds or notes or the certificate of a chief fiscal officer authorizing the issuance of notes contains the statement referred to in section 80.00 of this chapter, such resolution after adoption, or a summary of such resolution, or such certificate after its execution and filing, shall be published in full by the clerk of the municipality, school district or district corporation or such other official or person as the finance board or such fiscal officer may designate, together with a notice in substantially the following form:

“The resolution (or the resolution a summary of which is) (or certificate) published herewith has been adopted (or authorized) on the _____ day of _____, 19____, and the validity of the obligations authorized by such resolution (or certificate) may be hereafter contested only if such obligations were authorized for an object or purpose for which the (Here insert name of municipality, school district or district corporation) 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.

.....
(Clerk or other official or person designated by the finance board or chief fiscal officer)”

If a summary of such resolution is published as provided in this section, such summary shall list the class or classes of objects or purposes for which the obligations to be authorized by such resolution are to be issued together with the period or periods of probable usefulness and the amount of obligations to be issued for each such class of objects or purposes, and in addition, such summary shall state an office of the municipality, school district or district corporation where the resolution summarized thereby shall be available for public inspection. Such resolution shall be kept available for public inspection at such office during normal business hours for twenty days following the publication of such summary as provided in this title.

b. However, if such resolution is subject to a mandatory or permissive referendum, or is submitted to a referendum by the finance board on its own motion, such resolution or summary thereof shall not be published together with such notice until it shall have been approved at such a referendum or, in the case of a resolution subject to a permissive referendum, until the period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed, and such notice shall state that such resolution has been approved at such a referendum or, in the case of a resolution subject to a permissive referendum, that the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed, as the case may be.

c. If any bond resolution or capital note resolution does not contain a determination of the period of probable usefulness of the specific object or purpose or class of objects or purposes for which such resolution authorizes the issuance of obligations, there shall be published, together with such resolution or summary thereof and notice, the certificate of the appropriate body or official containing such determination.

d. Such publication as shall be required by this section shall be in the official newspaper or newspapers of the municipality, school district or district corporation or if there be no such newspaper or newspapers, then in such newspaper or newspapers having a general circulation in the municipality, school district or district corporation as the finance board shall designate.

Credits

(L.1942, c. 424. Amended L.1944, c. 608, §§ 26, 27; L.1981, c. 1050, § 4, eff. Nov. 11, 1981, deemed eff. Oct. 31, 1981.)

Notes of Decisions (6)

McKinney's Local Finance Law § 81.00, NY LOC FIN § 81.00

Current through L.2014, chapters 1 to 552.

End of Document

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