

BUDGET, FINANCE, AND PERSONNEL

RESOLUTION NO. 2015281

RE: AMENDING THE 2015 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE GENERAL CONTINGENCY FUND (A.1990.4007)

LEGISLATORS FLESLAND and FARLEY offer the following and move its adoption:

WHEREAS, General Municipal Law 6-c(2)(b) authorizes the creation of a capital reserve fund to be used to finance a "type" of capital improvement or a "type" of equipment, and

WHEREAS, by Resolution No. 47 of 1990, the Dutchess County Legislature created such a capital reserve fund in order to, among other things, finance all or part of any capital improvement, including any physical public betterment or improvement, and

WHEREAS, pursuant to General Municipal Law 6-c(2)(b), funds may be paid into this capital reserve by budget appropriation or by using revenues not required by law to be paid into any other fund or account, and

WHEREAS, funds have not been appropriated to the capital reserve fund since 2001 and its current balance is only \$4,583; and

WHEREAS, pursuant to Section 29.13 of the Dutchess County Administrative Code, the County Legislature is authorized to appropriate all or any part of the moneys in the general contingency fund for general County purposes, and

WHEREAS, it is necessary to amend the 2015 Adopted County Budget to replenish the capital reserve fund, now therefore be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2015 Adopted County Budget as follows:

APPROPRIATIONS

Decrease: -

A.1990.4007	General Contingency	(\$900,000)
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Increase:

A.9950.9000	Transfer to Cap. Projects-Interfund	\$900,000
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CA-188-15
JMF/kvh/G-0145 11/18/15
Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 3rd day of December 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 3rd day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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):
See Attached

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Capital projects sometimes come up that may require a match that is too small to bond for or are small enough where bonding isn't the best choice. This capital reserve can be used for small capital projects to avoid bonding.

Prepared by: Jessica White, Budget Office



COUNTY OF DUTCHESS
BUDGET OFFICE

Memo

TO: Robert Rolison, Chairman of the Legislature
Dale Borchert, Chairman, Budget, Finance & Personnel Committee

FROM: Valerie J. Sommerville, Budget Director 

DATE: November 18, 2015

RE: Capital Reserve Resolution

The attached resolution requests legislative authorization to appropriate \$900,000 left unexpended in the 2015 contingency account to the capital reserve.

The capital reserve was established as means to fund capital improvements. The last time funds were appropriated to the capital reserve was in 2001 when the County Legislature under the leadership of then Chairman Brad Kendall appropriated \$1.88 million to the reserve in the budget process. In 2004, the Legislature appropriated \$750,000 from the reserve to fund the County's contribution to launch site development for the Rivers and Estuary Center. Over time, the reserve was used to fund the local share of various capital projects and is now depleted with a current balance of only \$4,583. Future appropriations from the reserve to pay for specific capital costs will require the approval of the County Legislature.

The county is well positioned to move forward at this time with funding the capital reserve. Importantly, rating agencies and the State Comptroller's Office look favorably on funding of the capital reserve as it demonstrates long-term strategic planning and helps to control the county's indebtedness.

Attachment

cc: Carolyn Morris, Clerk of the Legislature



b. The construction, reconstruction or acquisition of a type of capital improvement or the acquisition of a type of equipment.

3. The provisions of paragraph two shall not apply to:

a. Capital improvements to be constructed, reconstructed or acquired, or equipment to be acquired, on behalf of an improvement district or other similar district located within such municipality other than a sewer and/or water improvement district, or

b. Capital improvements or equipment, all or part of the cost of which is to be borne by assessments for benefit or ad valorem taxes upon the real property within an area of benefit within such municipality other than a sewer and/or water improvement district.

4. If the governing board authorizes the establishment of a capital reserve fund for the financing of all or part of the cost of the construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment, it shall set forth in such authorization the estimated maximum cost thereof. However, if the authorization by such governing board of the issuance of obligations for such capital improvement or equipment is required by law to be subject to a permissive or mandatory referendum, then the authorization of the establishment of such a fund shall be subject to a permissive referendum. In the event that the authorization by such governing board of the issuance of obligations for such capital improvement or equipment is required by law to be subject to a permissive or mandatory referendum only if such obligations are to have a maturity of more than five years or not less than some other minimum period, then the authorization of the establishment of such a fund shall be subject to a permissive referendum only if the period of probable usefulness of such capital improvement or equipment is equal to or more than such minimum period of maturity. A permissive referendum on the authorization of the establishment of such a capital reserve fund shall be governed by:

a. Sections twenty-four, twenty-five and twenty-six of the municipal home rule law, as amended from time to time, so far as they may be applicable, in the case of cities.

b. Article seven of the town law, as amended from time to time, in the case of towns.

c. Article nine of the village law, as amended from time to time, in the case of villages.

5. There may be paid into any fund:

a. Such an amount as may be provided therefor by budgetary appropriation or raised by tax therefor.

b. Such revenues as are not required by law to be paid into any other fund or account, including the proceeds from the sale of any capital improvement or equipment owned by such county, city, village or town. This provision shall not prevent the use of town highway moneys for the establishment of a capital reserve fund, provided that such moneys are expended therefrom for the purpose for which they were levied or received, that the consent of the town superintendent of highways and town board, together with the approval of the county superintendent of highways, is given to the establishment thereof, and that such moneys are only expended therefrom on order of the town superintendent of highways upon audit and with the consent of the town board.

February 13, 1990

Roll call vote on the foregoing resolution (#46) resulted as follows:

Ayes: 34

Nays: 0

Absent: 1—McHoul.

Resolution adopted.

RESOLUTION NO. 47—1990

RE: Establishing a Capital Reserve Fund for Capital Improvements and Acquisition of Equipment

The Planning & Capital Projects Committee offers the following and moves its adoption:

WHEREAS, this Legislature has by resolution increased the County sales tax from 1% to 3% throughout the County of Dutchess, and it is anticipated that said tax will generate excess revenues and thereby create a surplus of funds, and

WHEREAS, it is the desire of this Legislature to create a Capital Reserve Fund for capital improvements and equipment and to appropriate a portion of surplus funds from said sales tax revenues to said fund, now, therefore, be it

RESOLVED, that there is hereby established in the County of Dutchess a Capital Reserve Fund for the benefit of the County pursuant to Section 6-c of the General Municipal Law, to consist of such amounts as may be provided therefor by budgetary appropriation, or raised by tax therefor, such revenues as are not required by law to be paid into any other fund or account, including the proceeds from the sale of any capital improvement or equipment owned by the County, or other funds appropriated in any year, or any surplus moneys remaining at the end of any future year, and be it further

RESOLVED, that such fund may be utilized for the following purposes:

(1) The financing of all or part of any capital improvement, including any physical public betterment or improvement and any preliminary studies and surveys relative thereto, as well as the acquisition of land or rights in land and any preliminary studies and surveys relative thereto. The term "capital improvement" shall mean the construction or acquisition of buildings, the construction or reconstruction of roads, parking lots, sidewalks, recreation trails and facilities;

(2) The financing of the acquisition of all or part of any equipment, machinery or apparatus not included in the definition of the term "capital improvement" as contained in Section 6-c subdivision 1(b) of the General Municipal Law, and for the acquisition of which a period of probably usefulness has been provided by law.

and be it further

RESOLVED, that an expenditure from this fund may only be made by authorization of this Legislature, which shall require a two-thirds vote, for a specific capital improvement or a specific item or items of equipment, the cost of which may be financed therefrom, and be it further

1900 ON AIRWAYS

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FEDERAL AVIATION AGENCY
NEW YORK, N.Y.
EASTERN REGION
INSTRUMENT LANDING SYSTEM
CRITICAL AND
NO PARKING AREAS

3	LOCALIZER AREAS	8-6-88	SK
2	LOCALIZER AREAS	7-10-81	MM
1	TITLE, GENERAL	10-4-80	FM

NO. 1
REVISION
DATE
CDP.

APPROVED: [Signature]
DATE: 4-13-90
DR. NO. 1-A-3076

C & CO. NO. 44180 11772

February 13, 1990

RESOLVED, that the Commissioner of Finance is authorized to invest the moneys from this fund in the manner provided in Section 6-f of the General Municipal Law.

Fiscal Impact: Favorable

Amended in Planning & Capital Projects Committee 2/8/90 dd

MEMORANDUM

TO: Kevin Karn, Chairman, Dutchess County Legislature Members, Dutchess County Legislature
FROM: Ian G. MacDonald, County Attorney
DATE: January 4, 1990
SUBJECT: Capital Reserve Fund and Bonded Indebtedness Reserve Fund

The two resolutions attached create the Capital Reserve Fund and the Bonded Indebtedness Reserve Fund discussed during consideration of the 1990 budget and County sales tax. These resolutions complete the process initiated at that time.

The first resolution establishes a Capital Reserve Fund for capital improvements and equipment. It permits the build-up of funds for improvements or equipment for which bonds could be authorized.

The use of any of these funds for any project or acquisition must be by specific authorization of the Legislature. The resolution would set the dollar limit and describe each project.

Money paid into the Fund is by appropriation.

All legislative action is by simple majority.

The Bonded Indebtedness Reserve Fund provides for build-up of funds to pay for debt service.

The use of any of the money must be by authorization of the Legislature.

Action is by simple majority but authorization for underlying debt is still by two-thirds' vote.

Money paid into fund is by appropriation.

Caveat. If money is already appropriated for specific debt service, this fund can't be used for that debt. A determination to use the fund must be made so that there is no budget appropriation for the particular debt service.

At any time all or a portion of the Bonded Indebtedness Reserve Fund may be transferred to a capital reserve fund. This action is by simple majority, but is subject to a permissive referendum.

Roll call vot

Ayes: 34

Nays: 0

Absent: 1-

Resolution

RE: Dire

Legislator

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commitment or the encumbering of any such appropriation; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefore, or for leases or the establishment of bond or capital accounts, sinking funds or reserve funds and each such appropriation, account or fund shall continue in force until the purposes for which it was made shall have been accomplished or shall have been abandoned. Any contract, verbal or written made in violation of this section shall be null and void.

(b) The County Executive shall maintain control at all times over the expenditures of every unit of County government. For such purposes, the County Executive may, among other things, (1) require prior to the beginning of any fiscal year, the submission by the head of each unit or authorized agency of revised work programs based on appropriations in the adopted budget for such fiscal year and originally submitted as tentative work programs for such year by the head of each such unit or authorized agency pursuant to paragraph (a) of Section 29.04 of this article; and (2) prescribe quotas and allotments, and no unit, officer, employee or financial activity of the county shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed.

Section 29.13. Contingent Funds.

✓
The County Legislature by resolution, may at any time appropriate all or any part of the moneys in the general contingent fund for general County purposes.