

RESOLUTION NO. 2023139

BOND RESOLUTION DATED AUGUST 14, 2023

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$18,086,598 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY A PORTION OF THE COST OF A NEW TWO-WAY RADIO COMMUNICATIONS SYSTEM, FOR SAID COUNTY

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Dutchess, New York, as follows:

Section 1. The purchase and installation of a new two-way radio communications system, for the County of Dutchess, New York, including incidental consultant support services, equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$32,179,076.

Section 2. The plan for the financing of such maximum estimated cost shall be as follows:

- a) by the issuance of \$18,086,598 serial bonds of said County, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and

- b) by the expenditure of \$14,092,478 other monies of the County appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 10 years, pursuant to subdivision 98 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said County of Dutchess, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance

shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or

are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

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

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

\* \* \* \* \*

CA-102-23  
G-0145-B  
06/28/23  
JF/LDF/kvh  
Fiscal Impact: See attached.

# 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):  
H0576.3020.4401.105

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

The Consolidated Two-Way Radio System Project Phase 1 was funded in February 2022 in the amount of \$10,000,000. This Phase 2 request for \$22,179,076 is necessary to fully fund the project and support system design and radio site development. The total project cost is \$32,179,076. This request includes grant funding from the NYS Statewide Interoperable Communications Grant (SICG) \$3,332,478, Civil Defense Homeland Security \$760,000, with the balance funded by serial bonds \$18,086,598. The department will continue to apply for grant opportunities as they are presented to offset County cost. When announced by NYS, the department will apply for a \$3,000,000 Office of Interoperable and Emergency Communications (OIEC) targeted grant.

Prepared by: Dana Smith

Prepared On: 6/7/2023

**2022 Consolidated Two-Way Radio System Additions**

**APPROPRIATIONS**

Increase

H0576.3020.4401.105	Professional Services Consultants	\$22,000,000
H0576.3020.3900	Bond Issuing Costs	\$179,076
		<u>\$22,179,076</u>

**REVENUE**

Increase

H0576.3020.33890.17	Other Pub Safety SICG	\$3,332,478
H0576.3020.43050.05	Civil Defense Homeland Security	\$760,000
H0576.3020.57100	Serial Bonds	\$18,086,598
		<u>\$22,179,076</u>

2023 ERS Two-Way Radio

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	\$18,086,598	\$1,808,660	\$591,432	\$2,400,092
2	16,277,938	1,808,660	532,289	2,340,948
3	14,469,278	1,808,660	473,145	2,281,805
4	12,660,619	1,808,660	414,002	2,222,662
5	10,851,959	1,808,660	354,859	2,163,519
6	9,043,299	1,808,660	295,716	2,104,376
7	7,234,639	1,808,660	236,573	2,045,233
8	5,425,979	1,808,660	177,430	1,986,089
9	3,617,320	1,808,660	118,286	1,926,946
10	1,808,660	1,808,660	59,143	1,867,803
<b>TOTAL</b>		<u>\$18,086,598</u>	<u>\$3,252,875</u>	<u>\$21,339,473</u>
<b>AVG. PER YEAR</b>		\$1,808,660	\$325,287	\$2,133,947

**FISCAL IMPACT STATEMENT**

TOTAL PRINCIPAL	\$18,086,598	
ANTICIPATED INTEREST RATE <sup>(1)</sup>		3.27%
TERM 10 YEARS		ANTICIPATED FEES: \$179,075
ANTICIPATED ANNUAL COST (PRIN + INT):		\$2,133,947
TOTAL PAYBACK (ANNUAL COST x TERMS):		\$21,339,473

PREPARED BY HEIDI SEELBACH

<sup>(1)</sup> Rate is subject to change based upon a) market conditions at time of debt issuance and b) term of financing which is dependent upon the structuring of all debt issued when this project is ultimately financed.

**WILLIAM F.X. O'NEIL**  
COUNTY EXECUTIVE



**DANA H. SMITH**  
COMMISSIONER  
**SHAWN A. CASTANO**  
DEPUTY COMMISSIONER

**COUNTY OF DUTCHESS**  
DEPARTMENT OF EMERGENCY RESPONSE

Rachel Kashimer  
Deputy County Executive  
22 Market Street  
Poughkeepsie, NY 12601

June 6, 2023

Deputy County Executive Kashimer,

Please find attached a Resolution Request form and Fiscal Impact Statement for the Dutchess County Consolidated Two-Way Radio System.

The project is well underway based on the previous funding provided by the Legislature in February 2022. Currently, in conjunction with the vendor, we are developing all the radio tower sites, ordering the infrastructure including generators and shelters. We are also developing the purchase of the radio towers.

The amount of this request was developed with consideration of potential cost risks and the potential rise in pricing of certain equipment that are outside of the contract with the primary vendor.

This project will provide a resilient and redundant two-way radio system for all first responders and Dutchess County Departments for years to come.

Please contact me if you have any questions or require additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "D.H. Smith".

Dana H. Smith  
Commissioner