

Agenda

Planning & Economic Development Committee

May 15, 2019, 6:00 pm, Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (04/17/19)
- C. Privilege of the Floor
 1. Local Law Intro. 2-19 - A Local Law Amending Local Law 6-13 of the County of Chautauqua Imposing a Tax on the Occupancy of Hotel or Motel Rooms
 2. Proposed Resolution – Authorize Transfer of Tax Foreclosure Property in the Village of Westfield
 3. Proposed Resolution – Accept New York State Department of State Local Waterfront Revitalization Program Grant Funds for Kayak Launches
 4. Proposed Resolution – Acceptance of New York State Energy Research and Development Authority Clean Energy Community Grant
 5. Proposed Resolution - Authorizing SEQRA Review of Waterways Panel 2020 2% Occupancy Tax Recommendations
 6. Proposed Resolution – Authorize Use of 3% Occupancy Tax Monies to Support the Chautauqua Lake Pops by the Shore Series in Mayville
 7. Proposed Resolution - A Resolution Authorizing Various Capital Projects in and for the County of Chautauqua, New York, at a Total Maximum Estimated Cost of \$5,260,363, and Authorizing the Issuance of \$3,242,863 Bonds of said County to Pay Costs Thereof
 8. Discussion - 4H – Emily Reynolds
 9. Other

LOCAL LAW
INTRODUCTORY NUMBER 2-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 6-13 OF THE COUNTY OF CHAUTAUQUA
IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York,
as follows:

1. Purpose. The purpose of this local law is to clarify and streamline provisions of the Occupancy Tax Local Law relating to rentals booked through third parties, including, but not limited to, Airbnb, Flipkey, Homeaway, VRBO, and realtors.

2. Amendments of Local Law 6-13 of the County of Chautauqua.

a. Section 3(1) of Local Law 6-13 is hereby amended to read as follows:

1. Definitions.

When used in this local law, the following terms shall mean:

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Operator. Any person operating a hotel or motel in the County of Chautauqua, including but not limited to, the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee, management company, booking company, or any other person otherwise operating such hotel or motel.

(c) Hotel/Motel. A building or portion of it, which is used for the lodging of guests on an overnight basis for greater than fourteen (14) days per calendar year, and which is advertised in any manner for such use. The term "hotel" or "motel" shall include, but not be limited to, apartment hotels, motor courts or inns, boarding houses, cottages, apartments, condominiums and those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

(d) Occupancy. The use or possession, or the right to use or possession of any room in a hotel or motel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. Any Occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

- (g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.
- (h) Room. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.
- (i) Return. Any return filed or required to be filed as herein provided.
- (j) Director of Finance. The Director of Finance of Chautauqua County.
- (k) Booking Company. A person collecting rent for a room or rooms in a hotel/motel via an on-line platform or otherwise, including, but not limited to entities such as Airbnb, FlipKey, Homeaway, VRBO, and realtors.

b. Section 3(6) of Local Law 6-13 is hereby amended to read as follows:

6. Registration.

Within ten (10) days after the effective date of this local law, or in the case of Operators commencing business after such effective date, within three (3) days after such commencement or opening, every Operator shall file with the Director of Finance a certificate of registration in a form prescribed by the Director of Finance. The Director of Finance shall within five (5) days after such registration issue without charge to each Operator a certificate of authority empowering such Operator to collect the tax from the Occupant. For Operators other than booking companies, and a duplicate thereof certificate will be issued for each additional hotel or motel of such Operator. Except in the case of certificates issued to booking companies, each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificate of authority shall be prominently displayed by the Operator in such manner that it may be seen and come to the notice of all Occupants and persons seeking occupancy. Such certificate shall be non-assignable and non-transferable and shall be surrendered immediately to the Director of Finance upon the cessation of business at the hotel(s) or motel(s) for which it is being issued ~~named~~ or upon ~~its~~ the sale or transfer of a named hotel or motel.

c. Section 3(7) of Local Law 6-13 is hereby amended to read as follows:

7. Administration and Collection.

(a) The tax imposed by this local law shall be administered and collected by the Director of Finance, or such other fiscal officers of the County as he or she may designate, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the Operator. The tax shall be paid by the Occupant to the Operator as trustee for and on account of the County, and the Operator shall be personally liable for the tax collected or required to be collected under this local law. The Operator shall have the same right in respect to collecting the tax from the Occupant, or in respect to nonpayment of the tax by the Occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession, and enforcement of any innkeeper's lien that s/he may have in the event of non-payment of rent by the Occupant; provided, however, that the Director of

Finance or other fiscal officer or officers, employees or agents duly designated by him or her shall be joined as a party in any action or proceeding brought by the Operator to collect or enforce collection of the tax.

(c) Where the Occupant has failed to pay and the Operator has failed to collect a tax as imposed by this local law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the Occupant directly to the Director of Finance, and it shall be the duty of the Occupant to file a return thereof with the Director of Finance and to pay the tax imposed thereon to the County Director of Finance within fifteen (15) days after such tax was due.

(d) The Director of Finance may, whenever he or she deems it necessary for the proper enforcement of this local law, provide by regulation that the Occupant shall file returns and pay directly to the Director of Finance the tax herein imposed, at such times as returns are required to be filed and payment made over by the Operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after January 1, 2008, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after January 1, 2008. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Director of Finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in subsection thirteen of Section 3 this local law.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the Operator, except that, where by regulation pursuant to subdivision seven (d) of this section, an Occupant is required to file returns and pay directly to the Director of Finance the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the Occupant. Where an Occupant claims exemption from the tax under the provisions of subdivision four of this section, the rent shall be deemed taxable hereunder unless the Operator shall receive from the Occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the Occupant is its agent, representative, or employee, together with a certificate executed by the Occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the Occupant's duties as a representative of such corporation or association. Where deemed necessary by the Operator, he may further require that any Occupant claiming exemption from the tax furnish a copy of a certificate issued by the Director of Finance of the Occupant, certifying that the corporation or association herein named is exempt from the tax under subdivision four of this section.

(g) When a person rents room(s) through a booking company, the person and the booking company are deemed to be co-Operators, but it shall be permissible for a booking company to file tax returns and make payment of tax on behalf of the person as to rental transactions handled by the booking company. With the approval of the County Executive, a booking company may make payment of tax on behalf of a person without filing a tax return, and without specifically identifying the person(s) upon whose behalf the tax was paid, but in such

case, the person(s) for whom the booking company paid the tax shall remain responsible for filing a tax return indicating the amount of tax expected to be paid by the booking company.

3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Sponsors: Legislator Pierre Chagnon

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

**SMA 5/2/19
KD 5/3/19
KLC 5/3/19
GMB 5-3-19**

TITLE: Authorize Transfer of Tax Foreclosure Property in the Village of Westfield

BY: Administrative Services, Planning & Economic Development, and Audit & Control Committees

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 110-17 that adopted the County's Tax Foreclosure Policy, upon receipt of a request from the County of Chautauqua Industrial Development Agency (CCIDA) or other local development organization received by the County on or before the last day for redemption, the County shall transfer property acquired through tax foreclosure to the CCIDA or a local development organization, subject to terms and conditions approved by the County Legislature; and

WHEREAS, a tax delinquent property in the Village of Westfield designated on the Chautauqua County Tax Map as Section 192.84, Block 1, Lot 32, and located at 71 East Main Street (the "Land"), was subject to a mortgage held by CCIDA; and

WHEREAS, CCIDA has requested in writing that the County convey the Land to CCIDA, in order to allow CCIDA to protect its mortgage interest; now therefore be it

RESOLVED, That the County Executive is authorized to transfer the Land to CCIDA or its affiliated designee, for the full amount of outstanding taxes, interest, and penalties, and execute all documents necessary to complete the conveyance.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM 4-17-19
ABC 4.25.19
SMA 4-25-19
KMD 4/25/19
KLC 4/26/19
GMB 5-1-19

TITLE: Accept New York State Department of State Local Waterfront Revitalization Program Grant Funds for Kayak Launches

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Chautauqua County is blessed with many sources of fresh water, including several smaller lakes, streams and tributaries, Chautauqua Lake, and Lake Erie; and

WHEREAS, Chautauqua County Comprehensive Plan: *Chautauqua 20/20* seeks to capitalize on the County's natural assets, especially its water sources, in order to grow the economy and improve the quality of life for its visitors and residents; and

WHEREAS, Governor Cuomo launched the Regional Economic Development Councils and the Consolidated Funding Application (CFA) to provide each region with the tools to create and implement its own roadmap for economic prosperity and job creation, and this community-based model uses local assets to drive local economic growth; and

WHEREAS, kayaking is a growing and popular waterway sport but Chautauqua County lacks formal launches designed for kayaks, and the installation of kayak launches at key waterway locations would enhance the County's tourism economy and act as an additional draw for visitors; and

WHEREAS, the Division of Planning and Community Development, on behalf of the City of Dunkirk, Village of Silver Creek, Towns of Westfield and Hanover, and the Chautauqua Watershed Conservancy, submitted a grant application to the New York State Department of State Local Waterfront Revitalization Program (NYS DOS LWRP), under Title 11 of the Environmental Protection Fund, for the installation of kayak launches at waterfront sites throughout the County (the "Project"); and

WHEREAS, County was successful in its application for the Project, the total cost of which is \$97,540, and received a letter from the NYS DOS LWRP awarding \$73,155 (# 79986) in grant funds toward the Project; and

WHEREAS, the Division of Planning and Community Development has committed \$4,715 in in-kind staff time to administer the grant, and each of the grant partners agreed to contribute funding for the remaining cash contribution; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYS DOS LWRP grant funding in the amount of \$73,155, and execute all agreements necessary to implement the Project; and further be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2019 Capital Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.8020.37006.4	Contractual—Planning, Kayak Launches (2019)	\$92,825
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.8020.37006.R389.7000	New York State Aid—	
	Culture & Rec Capital Grants	\$73,155
H.8020.37006.R208.9000	Departmental Income—	
	Other Culture & Recreation Income	<u>\$19,670</u>
	Total	\$92,825

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM 4-17-19
ABC 4.25.19
SMA 4-25-19
KMD 4/25/19
KLC 4/26/19
GMB 5-1-19

TITLE: Acceptance of New York State Energy Research and Development Authority Clean Energy Community Grant

BY: Planning and Economic Development & Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the reduction of greenhouse gas emissions and the advancement of energy efficiency are priorities for the County; and

WHEREAS, the Chautauqua County Division of Planning and Community Development and the Department of Public Facilities committed staff to undertake a series of programs, which ultimately led to Chautauqua County’s designation as a “Clean Energy Community” (CEC); and

WHEREAS, the CEC designation made Chautauqua County eligible for a New York State Research and Development Authority (NYSERDA) Clean Energy Community Grant in the amount of \$150,000, which requires no local match; and

WHEREAS, Chautauqua County submitted a grant proposal to NYSERDA for clean energy improvements to County facilities and the County’s vehicle fleet, which was accepted by NYSERDA; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSERDA Clean Energy Community Grant in the amount of \$150,000; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2019 Capital Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.8020.37005.4	Contractual—Planning, Clean Energy Community Grant (2019)	\$150,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.8020.37005.R389.7000	New York State Aid— Cultural & Rec Capital Grants	\$150,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive **Date**

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM 4-18-19
ABC 4.25.19
SMA 4-25-19
KMD 4/25/19
KLC 4/26/19
GMB 5-1-19

TITLE: Authorizing SEQRA Review of Waterways Panel 2020 2% Occupancy Tax Recommendations

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, thirty-one applications for the 2020 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the thirty-one requests; and

WHEREAS, seven of the thirty-one projects submitted for 2% Occupancy Tax funding for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Division of Planning and Community Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the projects recommended by the Waterways Panel for 2020 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Mid Knight Holsteins	1	\$40,000	\$40,000
Chedwell	2	\$21,732	\$21,732
Summer Haven	3	\$15,800	\$15,800
Ellicott (Town)	4	\$39,700	\$39,700
Mission Meadows	5	\$34,000	\$34,000
Chautauqua (Town)	6	\$33,250	\$33,250
Boat Stewards	7	\$39,972	\$39,972
Lighthouse Point	8	\$24,136	\$ 0
Morse	9	\$11,612	\$ 0
Park	10	\$10,760	\$ 0
Cooney	11	\$15,280	\$ 0
Pomfret (Town)	12	\$40,000	\$ 0
Hiliker	13	\$21,904	\$ 0
Stott	14	\$33,356	\$ 0
Todczydlowski	15	\$28,272	\$ 0
Giacchino	16	\$20,164	\$ 0
Miller (Paul)	17	\$45,432	\$ 0
Burns	18	\$34,700	\$ 0
Dolce	19	\$28,782	\$ 0
Montgomery	20	\$16,662	\$ 0

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Harvey	21	\$24,660	\$ 0
Reinhardt	22	\$34,632	\$ 0
Smith	23	\$19,822	\$ 0
Glaser	24	\$19,822	\$ 0
Vahl	25	\$8,942	\$ 0
Mulkins	26	\$9,992	\$ 0
Jackson	27	\$21,740	\$ 0
Avery	28	\$10,262	\$ 0
Weintraub	29	\$20,472	\$ 0
Seymour	30	\$18,320	\$ 0
Miller	31	\$40,000	\$ 0
TOTALS		\$784,178	\$224,454

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

MRG 4-29-19
SMA 4-29-19
KMD 4-30-19
GMB 5-1-19

TITLE: Authorize Use of 3% Occupancy Tax Monies to Support the Chautauqua Lake Pops by the Shore Series in Mayville

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Chautauqua County's natural assets, especially its lakes, are invaluable settings for hosting events that provide opportunities to enhance the quality of life for Chautauqua County residents while attracting people to the County to spend money; and

WHEREAS, the Bemus Bay Pops series was a very successful event that attracted thousands of people to a waterfront location in Bemus Point to enjoy a series of primarily music-related shows for many years; and

WHEREAS, due to the sale of the Italian Fisherman in February 2018, which owned and leased an adjacent parcel to host the Bemus Bay Pops series, and a decision by the new owners to discontinue the series, the Bemus Bay Pops was discontinued at the Bemus Point location; and

WHEREAS, the Village of Mayville and the original organizers of the Bemus Bay Pops series, Bemus Pops Inc., desire to revive the event, which runs from June through August, in Mayville at a location directly in front of the old rail station building on Village-owned property; and

WHEREAS, the Village of Mayville and Bemus Bay Pops Inc., d/b/a Chautauqua Lake Pops, are currently in urgent need of funding to assist with the up-front costs associated with planning and administering this event; otherwise, it is unlikely that the event will occur at the level planned; and

WHEREAS, Mayville is the County seat, and a gateway for activities to occur on Chautauqua Lake; and

WHEREAS, the economic impact of the Bemus Bay Pops was estimated at over \$10 million a year in the region, as determined by an independent consultant in 2010; and

WHEREAS, the total annual budget for the event is \$450,000, of which approximately \$150,000 has been raised from sponsors to date, with the intent of garnering more financial support through sponsorships and ticket sales; and

WHEREAS, the fund balance in the 3% Occupancy Tax Tourism Promotion Fund is \$30,689; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of the 3% Occupancy Tax Reserve to assist the Chautauqua Lake Pops in holding the Chautauqua Lake Pops by the Shore series of events from June through August 2019; and be it further

RESOLVED, That the County Executive is authorized to establish accounts and enter into contracts necessary to implement the terms of this resolution; and be it further

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

RESOLVED, That Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000 Fund Bal, Rsvd Fund Bal-Reserve for Occupancy Tax \$10,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual—Promotion of Industry, Tourism \$10,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

KLC 4/5/19
KMW 5/1/19
SMA 5/2/19
KMD 5/7/19
GMB 5/7/19

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: A Resolution Authorizing Various Capital Projects in and for the County of Chautauqua, New York, at a Total Maximum Estimated Cost of \$5,260,363, and Authorizing the Issuance of \$3,242,863 Bonds of said County to Pay Costs Thereof

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

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 Chautauqua, New York, as follows:

Section 1. The following capital projects and improvements are hereby authorized in and for the County of Chautauqua, New York:

- (a) WAN upgrades and expansion, at a maximum estimated cost of \$1,570,363, being a class of objects or purposes having a period of probable usefulness of ten years pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law;
- (b) Purchase of heavy equipment and machinery, at a maximum estimated cost of \$1,000,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- (c) Improvements to facilities at Jamestown Community College, at a maximum estimated cost of \$2,690,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The plan for the financing of the aforesaid purposes consists of the issuance of \$3,242,863 bonds of said County, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, which shall be allocated as per the maximum estimated costs set forth in Section 1 hereof, with only \$672,500 bonds allocated toward improvements at JCC, there being \$1,345,000 State aid and \$672,500 being provided from JCC toward such project.

Section 3. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 4. 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

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

bonds herein authorized, including renewals of such notes, is hereby delegated to the Director 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 Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. 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 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 6. 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 7. 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 8. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

